

Oswald: the truth

JOACHIM JOESTEN

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Foreword

IN the current public discussion of writings about the Kennedy assassination and the Warren Report, one book is being consistently ignored: *Oswald: Assassin or Fall Guy?*, my first published work on the subject.*

I am not surprised. That book has been taboo for the British press ever since it came out in June 1964, over three months ahead of the Warren Report. It still is taboo.

Previously, I never quite believed that such a thing as a 'conspiracy of silence' could be possible in a democracy. Now I know better. If there ever was such a conspiracy, *Oswald: Assassin or Fall Guy?* fell victim to it. Although the book was frequently referred to as an example of 'wild speculation' and 'irresponsible rumourmongering', although I was even charged with a ghoulish delight in the assassination, the book was *never* mentioned by title in the papers, and the author seldom by name. Criticism—some of it outright defamation—was always clothed in veiled terms, never explicit.

Why has *Oswald: Assassin or Fall Guy?* been taboo, when Mark Lane's *Rush to Judgment*, Edward J. Epstein's *Inquest*, Harold Weisberg's *Whitewash* and other works on the subject are not?

Well, for one thing, my book was clearly ahead of its time. In mid-1964, the American people simply were not conditioned yet for an overt challenge to the official version of the assassination. And when, in January 1965, a revised version of my book came out, with the first published critique of the Warren Report, the truthfulness of that 'historic document' was not yet open to question. To criticize it was rank heresy.

Although few people seem to remember it now, the fact of the matter, easily verifiable, is that most of the questions raised, and

* Marzani & Munsell, Inc., New York, 1964; The Merlin Press, London, 1965.

most of the faults found by Lane, Epstein and others, were raised and found in *Oswald: Assassin or Fall Guy?* over three years ago.

Since then, I have written, in German, another far more comprehensive book (of 360 pages) on the same general subject. Entitled *Die Wahrheit über den Kennedy-Mord* (The Truth About the Kennedy Assassination), this book deals at length with many aspects of the matter not covered in *Oswald: Assassin or Fall Guy?*, such as the story of The False Oswald – principal subject of the present work – and the truth about Oswald's stay in the Soviet Union, where he had gone not out of his own free will, but on assignment from the CIA. Nor was Oswald ever a genuine Marxist or renegade; he was an undercover agent for both the CIA and later for the FBI.

*Die Wahrheit über den Kennedy-Mord** attracted, from the start, far greater attention than *Oswald: Assassin or Fall Guy?* Its appearance was accompanied by widespread publicity, not only in the German-speaking areas, but all over Europe, though no mention was made of it, again, in the American press. The book was serialized in *Quick*, one of Germany's biggest illustrated weeklies and was immediately snapped up by several foreign publishers.

Thus, the present work, *Oswald: The Truth* (again written in English) is my third effort in the field. It picks up, and develops in depth and breadth, one of the major theses of *Die Wahrheit über den Kennedy-Mord*. After the manuscript of that German-language book had been completed and the book had gone to press, I came across a great deal of additional information of compelling interest about Larry Crafard, The False Oswald, which is discussed, for the first time, in the present work. This is not, therefore, a translation of, or an excerpt from, *Die Wahrheit über den Kennedy-Mord* but an altogether new approach to what is probably the most fascinating aspect of the whole assassination complex.

Of late, the strange manoeuvrings of the False or 'Second' Oswald have also attracted the attention of some other writers. Again, therefore, I wish to point out for the record that I was the first to develop this theme.

I hinted at the existence of a False Oswald in my first book

* Published by Schweizer Verlagshaus, Zurich, Switzerland, in mid-September 1966.

Oswald: Assassin or Fall Guy? though at that early moment this could be done only in a rudimentary fashion. Next, on November 20, 1964, I published in the Swiss weekly *Die Weltwoche* (Zurich) a lengthy feature story which, for the first time, bore the title 'Der falsche Oswald (*The False Oswald*). Again I reverted to this theme in a series published in February 1966 by the Belgian illustrated weekly *Le Soir Illustré* (Brussels). Then came the book *Die Wahrheit über den Kennedy-Mord*, a major portion of which is devoted to this particular subject. By far the most comprehensive and most thoroughly documented presentation of this subject, however, will be found in the present work.

Aside from the Warren Report and the twenty-six volumes of HEARINGS and Exhibits, which are a most rewarding fount of knowledge for all seekers of the truth about the assassination, I found *Forgive My Grief* by Penn Jones, Jr., a most inspiring source of information. In a way, Penn Jones is a Texas phenomenon. Editor of a small town weekly, *The Midlothian Mirror*, with a circulation under 1,000, Jones has been one of the first to attack the Warren Report frontally. In doing so, directly in the shadow of powerful and nefarious Dallas, he has exhibited more courage than all the cowboys of that State put together.

JOACHIM JOESTEN

Ruby Hires a Killer

MURKIN

'THE club is located on the second floor, and is entered by a stairway leading up from the sidewalk on the South side of Commerce Street. Witness, who is an attorney, and a client, who is an "exotic dancer," walk up the stairs to the Carousel Club Oct. 4, 1963 at about 10 p.m., on business; the dancer, stage name "Robin Hood," desires to talk with Jack Ruby, the owner of the club, about securing a booking for employment.

'The witness and the dancer enter the club, and sit down at the second table on the right from the entrance; the dancer faces the stage, which is against the East wall and to the left, North, of the passageway which leads East from the second floor entrance door; and the witness sits facing the entrance doorway; the ticket booth is at the South end of the landing at the top of the stairs, and the entrance door way of the second floor is to the left coming off the landing, that is East would be the direction a person faces entering the Club.'

Is this the stage-setting from a movie script, written by a competent craftsman? No—it is the opening paragraph of one of the most amazing legal documents ever drafted, to wit, a 'Report of events which took place in the Carousel Club 1312 1/2 Commerce Street, Dallas, Texas, on Friday, Oct. 4, 1963, from about 10 p.m. until about 11:45 p.m.' The full text, including that of the forwarding letter, is embodied in an FBI report numbered DL 44-1639 which will be found in Vol. XXVI of the Warren Commission Proceedings (Exhibit 2821). It is of paramount importance and therefore reproduced here in full:

Vol 2

DL 44-1639

RER: ip

On December 5, 1963, the Bureau supplied the following copy of a letter and an eight-page statement received at the Bureau on December 5, 1963, from Mr. CARROLL

JARNAGIN, Attorney at Law, 511 North Akard Building,
Room 428, Dallas, Texas:

'Mr. J. Edgar Hoover
Director
Federal Bureau of Investigation
Washington, D.C.

'Dear Mr. Hoover,

On Oct. 4, 1963 I was in the Carousel Club in Dallas, Texas, and while there I heard Jack Ruby talking to a man using the name of H. L. Lee. These men were talking about plans to kill the Governor of Texas. This information was passed on to the Texas Department of Public Safety on Oct. 5, 1963 by telephone. On Sunday Nov. 24, 1963 I definitely realized that the picture in the Nov. 23, 1963 Dallas Times Herald of Lee Harvey Oswald was a picture of the man using the name of H. L. Lee whose conversation with Jack Ruby I had overheard back on Oct. 4, 1963. I thereafter attempted to recall as much of the Oct. 4, 1963 conversation with as much accuracy as possible, and to reduce it to writing. The enclosed original and two copies of this report are true to the best of my own personal knowledge and belief; and this report is sent to you for whatever use it may be in assisting the FBI in your current investigation. If and when you see fit, I have no objection to the copies of this report being sent by you to the District Attorney of Dallas County and to the Attorney General of Texas, and to any other officials to whom you may see fit to disclose this information. My only request is that my identity remain undisclosed as long as possible.

Respectfully submitted.

'Yours Very Sincerely,

'(signed)

'Carroll Jarnagin'

At the time Mr. Jarnagin mailed his statement to the FBI Director J. Edgar Hoover, the Warren Commission was not yet in existence, or rather, it had been appointed by President Lyndon B. Johnson (on November 29, 1963), but had not yet

begun to function. The Commission did hold its first meeting, however, on December 5, 1963 – the day after Jarnagin had sent his statement to the FBI by special delivery air mail. The fact that Mr. Hoover immediately upon receipt of this communication, on December 5, ordered a copy to be transmitted to the newly formed Warren Commission attests to the importance the FBI director attributed to this document.

By the same token, it must indeed seem surprising that the Warren Commission did not see fit to question Mr. Jarnagin, for his name does *not* appear in the official list of 552 witnesses whose testimony has been presented to the Commission. The Commission's reluctance to having Mr. Jarnagin appear and depose under oath before it, or a member of its legal staff, becomes understandable, though, in the light of the startling story the lawyer had to tell. We now continue with his own account, as laid down in the FBI report DL 44-1693:

'Several minutes after the witness and the dancer are seated, the witness notices a man appear in the lighted entrance area and tell the girl in the ticket booth: "I want to see Jack Ruby." In a short period of time the bouncer appears and with a flash light shines a beam of light upon the ceiling on the inside of the club at the entrance area. The man who has asked to see Jack Ruby is dressed in a tan jacket, has brown hair, needs a haircut, is wearing a sport shirt, and is about 5' 9" or 10" in height, his general appearance is somewhat unkempt, and he does not appear to be dressed for night-clubbing; he, the new arrival, sits with his back to the wall at the first table to his right from the entrance area; after a few minutes he orders and is served a bottle of beer; he continues to sit alone and appears to be staring at the dancer; the dancer leaves the table and the new arrival stares intently at the witness; the witness notices the new arrival's eyes are dark, and his face is unsmiling; after some minutes a man dressed in a dark suit, about 45-50 years of age, partially bald, medium height and medium to heavy build, dark hair, and more or less hawk-faced in appearance from the side, joins the new arrival at the table; the new arrival appeared to be about 25 years of age (the older man dressed in the dark suit was later indicated by the dancer to be Jack Ruby); and the following conversation was overheard:'

Before we proceed with the amazing story of the murder plot

Mr. Jarnagin and his companion chanced to overhear at the Carousel Club, the reader's attention should be drawn to the form in which this account is presented.

In the first place, we are dealing with a legal document, drafted by a lawyer and filed with the FBI in the form of an affidavit. It should be noted, in this respect, that it is a punishable offense wilfully to give false information to the FBI. When this is done in a formal statement such as we are here concerned with, stiff penalties can be incurred.

Secondly, note the concise, lucid and detailed manner in which this account is presented. Every little item is pinpointed with precision and clarity; nothing is vague or confused. This is an account written by a trained observer, not a product of hallucination. What Mr. Jarnagin communicated to the FBI is either a story deliberately made out of whole cloth, and then he should have been prosecuted; or else it is a factual account of something that really did happen, and then nobody had the right to ignore it—least of all the Presidential Commission that had been appointed to ascertain the truth about the assassination.

Now here is what Jarnagin overheard and passed on to the FBI:

JACK RUBY: '— (some name not clearly heard or not definitely recalled by the witness)— what are you doing here?'

Man who had been sitting alone: 'Don't call me by my name . . .'

JACK RUBY: 'What name are you using?'

Man who had been sitting alone: 'I'm using the name of H. L. Lee.'

JACK RUBY: 'What do you want?'

LEE: 'I need some money.'

JACK RUBY: 'Money?'

LEE: 'I just got in from New Orleans. I need a place to stay, and a job.'

JACK RUBY: 'I noticed you hadn't been around in two or three weeks, what were you doing in New Orleans?'

LEE: 'There was a street fight and I got put in jail.'

RUBY: 'What charge?'

LEE: 'Disturbing the peace.'

RUBY: 'How did you get back?'

LEE: 'Hitch-hiked, I just got in.'

RUBY: 'Don't you have a family, can't you stay with them?'

LEE: 'They are in Irving, they know nothing about this; I want to get a place to myself; they don't know I'm back.'

Let's pause here for a moment and take stock of the situation as it shapes up so far.

We already know from Mr. Jarnagin's letter to the FBI that he 'definitely realized' that the picture of Lee H. Oswald which had appeared in a Dallas newspaper 'was a picture of the man using the name of H. L. Lee.' In other words, Jarnagin recognized in Oswald the man he had seen talking to Jack Ruby at the Carousel Club.

The man who had come to see Jack Ruby and who looked so much like Oswald told the nightclub owner that he was now using the name of H. L. Lee. Now, it is a matter of record that Lee Harvey Oswald, when he rented a room in Dallas in October, used the name of O. H. Lee—an obvious inversion of his real initials. Clearly, then, Ruby's visitor established a parallel in names where a bodily resemblance already existed—unless of course H. L. Lee *was* Oswald. He also stated that his family was in Irving, the Dallas suburb where in fact Oswald's wife Marina and their little daughter June were living at that moment (at the home of Mrs. Ruth Paine).

There was a fourth element that suggested Ruby's caller was Lee H. Oswald, for the latter had indeed been staying in New Orleans, had been picked up there in a street brawl with anti-Castro Cubans and had been fined for disturbing the peace. So it was Oswald then, and no mistake?

No—this mysterious visitor was not, cannot have been Lee Harvey Oswald. The Warren Report is quite explicit on this point: on the afternoon of Friday, October 4, Oswald had gone out to Irving where he spent the week-end with his family. He cannot, therefore, have been at the Carousel Club that night.

Nor is that all. The information 'H. L. Lee' gave to Ruby about his previous whereabouts and doings was only partly correct, or even downright wrong. Oswald had not come back to Dallas from New Orleans, but from Mexico City; he had not 'hitch-hiked' but had—according to the Warren Report—'traveled from Laredo to Dallas via San Antonio, on Greyhound bus No. 1265 . . .' And the street fight in New Orleans had

taken place on August 9. There was no connection between this scuffle and Oswald's return to Dallas and he had spent only one night in jail.

Moreover, Ruby's remark 'I noticed you hadn't been around in two or three weeks' indicates that his visitor had been in Dallas in the middle of September or even later, whereas the real Oswald had left Dallas for New Orleans on April 24, 1963, and had, after that date, stayed uninterruptedly in the latter city, until he embarked on his well-known trip to Mexico on September 26th.

Needless to say—if this were *all* the evidence to the effect that there existed a person of strong resemblance to Lee Harvey Oswald, indeed a real 'double' who deliberately tried to create the impression that he was Oswald, then we might as well stop here. For, the above evidence would be insufficient to establish beyond a shadow of doubt the existence of the 'False Oswald' who is the central character of our book. But, there is more, a great deal more, indeed so much of it that it all adds up to overwhelming proof, as we shall see in due course. But first, let us get back to the conspiratorial talk Ruby was having at his place with the man who called himself H. L. Lee:

RUBY: 'You'll get the money after the job is done.'

LEE: 'What about half now, and half after the job is done?'

RUBY: 'No, but don't worry, I'll have the money for you, after the job is done.'

LEE: 'How much?'

RUBY: 'We've already agreed on that . . .' (Ruby leans forward, and some of the conversation following is not heard by the witness).

Two observations should be interpolated here.

In the first place, Ruby's answer 'We've already agreed on that' proves that he had at least once before discussed with the man he had not seen in two or three weeks the 'job' that was to be the object of their conversation now.

In other words, from this conversation, the origins of the murder plot can be traced back to the period September 13, 1963 (maximum) to September 20, 1963 (minimum). These dates are of great importance, for the Warren Report, in Chapter II (section 'Dallas Before the Visit') tells us:

'The President's intention to pay a visit to Texas in the fall

of 1963 aroused interest throughout the State. The two Dallas newspapers provided their readers with a steady stream of information and speculation about the trip, beginning on September 13, when the Times-Herald announced in a front-page article that President Kennedy was planning a brief one-day tour of four Texas cities—Dallas, Fort Worth, San Antonio, and Houston. Both Dallas papers cited White House sources on September 26 as confirming the President's intention to visit Texas on November 21 and 22, with Dallas scheduled as one of the stops. . . .'

Let it be said here, in parenthesis, that on September 26, the day the Dallas papers confirmed the news that the President was going to visit the city, Lee Harvey Oswald, according to the Warren Report, was on a bus which departed at 2:35 a.m. from Houston for Laredo, Texas, where he arrived at 1:20 p.m. He then immediately crossed the border into Mexico and continued his trip to Mexico City.

Therefore, the real Oswald had no opportunity to read the Dallas papers on that day.

In the same context of timing, another important passage from the Warren Report (Chapter II) must be quoted here:

'The basic decision on the November trip to Texas was made at a meeting of President Kennedy, Vice President Johnson, and Governor Connally on June 5, 1963, at the Cortez Hotel in El Paso, Tex. . . . The three agreed that the President would come to Texas in late November 1963. The original plan called for the President to spend only one day in the State, making whirlwind visits to Dallas, Fort Worth, San Antonio and Houston. In September, the White House decided to permit further visits by the President and extended the trip to run from the afternoon of November 21 through the evening of Friday, November 22. When Governor Connally called at the White House on October 4 to discuss the details of the visit, it was agreed that the planning of events in Texas would be left largely to the Governor. At the White House, Kenneth O'Donnell, ^{Gov.} special assistant to the President acted as coordinator for the trip. ^{PLANS} ^{RUP}

'Everyone agreed that, if there was sufficient time, a *motorcade through downtown Dallas* [my italics—J. J.] would be the best way for the people to see their President. When the trip

was planned for only 1 day. Governor Connally had opposed the motorcade because there was not enough time. The Governor stated, however, that "once we got San Antonio moved from Friday to Thursday afternoon, where that was his initial stop in Texas, then we had the time, and I withdrew my objections to a motorcade."

Four things have to be kept firmly in mind:

One, as early as June 5, 1963, a narrowly limited circle of persons, including in particular the two prominent Texans Lyndon B. Johnson and John B. Connally, knew that President Kennedy was going to visit the State of Texas in late November;

Two, nothing of this project transpired into public knowledge until more than three months later, since the first word of it was leaked by the *Dallas Times-Herald* on September 13, as we have seen;

Three, even at that late date the original plan calling for a whirlwind tour of four Texas cities to be accomplished in a single day and barring any time-consuming parades was still in force;

Four, in September, or to be exact (which the Warren Report carefully refrains from being in this case), in the twelve-day span of time between September 13 (when it was still a one-day trip) and September 25 (on the 26th the papers said that the trip was to be extended), those influential circles that were pressing for a motorcade through Dallas won out. (I shall not go here into the question whether they did so for the innocent purpose they have been professing.) With the time schedule extended to two days, Governor Connally dropped his opposition and the fateful motorcade was on, though details still remained to be worked out.

All these initial uncertainties of timing, arrangement and locale are clearly reflected in Ruby's night-time conclave with the man who called himself H. L. Lee:

RUBY: 'How do I know that you can do the job?'

LEE: 'It's simple, I'm a Marine sharpshooter.'

RUBY: 'Are you sure that you can do the job without hitting anybody but the Governor?'

LEE: 'I'm sure, I've got the equipment ready.'

RUBY: 'Have you tested it, will you need to practice any?'

MOTORCADE

Sep
13 to
16 -

LEE: 'Don't worry about that, I don't need any practice; when will the Governor be here?'

RUBY: 'Oh, he'll be here plenty of times during campaigns . . . (distraction . . .)'

LEE: 'Where can I do the job?'

RUBY: 'From the roof of some building.'

LEE: 'No, that's too risky, too many people around.'

RUBY: 'But they'll be watching the parade, they won't notice you.'

LEE: 'But afterwards, they would tear me to pieces before I could get away.'

RUBY: 'Then do it from here (indicating the North end of the Carousel Club) from a window.'

LEE: 'How would I get in?'

RUBY: 'I'll tell the porter to let you in.'

LEE: 'But won't there be people in the place?'

RUBY: 'I can close the place for the parade, and leave word with the porter to let you in.'

LEE: 'But what about the porter?'

RUBY: 'I can tell him to leave after letting you in, he won't know anything.'

LEE: 'I don't want any witnesses around when I do the job.'

RUBY: 'You'll be alone.'

LEE: 'How do I get away, there won't be much time afterwards.'

RUBY: 'You can run out the back door.'

LEE: 'What about the rifle, what do I do if the police run in while I'm running out?'

RUBY: 'Hide the rifle, you just heard the shot and ran in from the parade to see what was going on; in the confusion you can walk out the front door in the crowd.'

LEE: 'No, they might shoot me first; there must be time for me to get out the back way before the police come in; can you lock the front door after I come in, and leave the back door open?'

RUBY: 'That would get me involved, how could I explain you in my club with a rifle and the front door locked?'

LEE: 'You left the front door open, and it was locked from inside when somebody slipped in while you were outside watching the parade.'

RUBY: — (distraction) —

LEE: 'But what about the money, when do I get the money?'

RUBY: 'I'll have it here for you.'

LEE: 'But when? I'm not going to have much time after the shooting to get away.'

RUBY: 'I'll have the money on me, and I'll run in first and hand it to you, and you can run on out the back way.'

LEE: 'I can't wait long, why can't you leave the money in here?'

RUBY: 'How do I know you'll do the job?'

LEE: 'How do I know you will show up with the money after the job is done?'

RUBY: 'You can trust me, besides, you'll have the persuader.'

LEE: 'The rifle, I want to get away from it as soon as it's used.'

RUBY: 'You can trust me.'

LEE: 'What about giving me half of the money just before the job is done, and then you can send me the other half later?'

RUBY: 'I can't turn loose half of the money until the job is done; if there's a slip up and you don't get him, they'll pick the money up, immediately; I couldn't tell them that I gave half of it to you in advance, they'd think I double-crossed them. I would have to return all of the money. People think I have a lot of money, but I couldn't raise half of that amount even by selling everything I have. You'll just have to trust me to hand you the money as soon as the job is done. There is no other way. Remember, they want the job done just as bad as you want the money; and after this is done, they may want to use you again.'

So far, we have been listening in — through Mr. Jarnagin — on a rather commonplace exchange between two hoods plotting a murder. They jockey for position, haggle about the blood money, ooze mutual distrust. A double-cross is in the air. The question is: who is going to be tricked by whom? In the end, it was Ruby, the 'mastermind', who was caught in his own trap.

Now we turn to the most revealing part of this tell-tale interview:

LEE: 'Not that it makes me any difference, but what have you got against the Governor?'

RUBY: 'He won't work with us on paroles; with a few of the right boys out we could really open up this State, with a little cooperation from the Governor. The boys in Chicago have no

place to go, no place to really operate; they've clamped down the lid in Chicago; Cuba is closed; everything is dead, look at this place, half empty; if we can open up this State we could pack this place every night, those boys will spend, if they have the money; and remember, we're right next to Mexico; there'd be money for everybody, if we can open up this State.'

LEE: 'How do you know that the Governor won't work with you?'

RUBY: 'It's no use, he's been in Washington too long, they're too straight up there; after they've been there awhile they get to thinking like the Attorney General. The Attorney General, now there's a guy the boys would like to get, but it's no use, he stays in Washington too much.'

LEE: 'A rifle shoots as far in Washington as it does here, doesn't it?'

RUBY: 'Forget it, that would bring the heat on everywhere, and the Feds would get into everything, no, forget the Attorney General.'

LEE: 'Killing the Governor of Texas will put the heat on, too, won't it?'

RUBY: 'Not really, *they'll think some crackpot or communist did it* [my italics — J. J.], and it will be written off as an unsolved crime.'

LEE: 'That is if I get away.'

RUBY: 'You'll get away, all you have to do is run out the back door.'

LEE: 'What kind of door is there back there, it won't accidentally lock on me, will it?'

RUBY: 'No, you can get out that way without any trouble.'

LEE: 'It doesn't open onto an open fire escape, does it? I don't want to run out onto an open fire escape with a rifle in my hand right after the shooting.'

RUBY: 'No, it's a safe way out, I'll show you, but not now.' (distraction)

Of all the 'distractions' in the Jarnagin document, this is the most regrettable, for it leaves the reader without a clue to the reasons for a most important happening that takes place now. Obviously whispering in tones too hushed to permit overhearing, the two conspirators decide to drop the plan to shoot at the parade from Ruby's own place and turn their attention instead

to another building, as we now learn from the final part of their exchange:

LEE: 'There's really only one building to do it from, one that covers Main, Elm, and Commerce.'

RUBY: 'Which one is that?'

LEE: 'The School Book Building, close to the triple underpass.'

RUBY: 'What's wrong with doing it from here?'

LEE: 'What if he goes down another street?' (distraction)

So here you have it: On October 4, 1963, two plotters, one of whom is the infamous Jack Ruby and the other a mystery man who looks like Oswald and uses the latter's cover name pick the Texas School Book Depository (hereafter abbreviated to TSBD) as the most convenient spot from where to open rifle fire on a passing parade.

Now, the Warren Report is positive on this all-important point: Lee Harvey Oswald never gave a thought to the TSBD until ten days later. Says the Report:

'Oswald's presence as an employee in the Texas School Book Depository Building was the result of a series of happenings unrelated to the President's trip to Dallas. He obtained the Depository job after almost two weeks of job hunting which began immediately upon his arrival in Dallas from Mexico on October 3, 1963. . . .

'Oswald's employment with the Texas School Book Depository came about through a chance conversation on Monday, October 14, between Ruth Paine, with whom his family was staying while Oswald was living in a roominghouse in Dallas and two of Mrs. Paine's neighbours. . . . I'll come back later to this interesting subject. What matters here is the Warren Commission's firm establishment of this key fact: Oswald first heard about the TSBD ten days after the conspiratorial meeting at Ruby's. If there could be any lingering doubt that the man who called himself H. L. Lee was not the real Oswald - this would be the clincher.

CHANCE
CONV.

ONE POSS.

OCT 14

The D.A. and a Dilemma

THE Jarnagin statement to the FBI is so sensational in its contents, and so convincing in its detailed and matter-of-fact presentation that one can only marvel at the total indifference with which it has been received.

It is no wonder, really, that the Warren Commission chose to ignore it. The seven sages hardly could do anything else. Their set, 'intrinsic' purpose being to dispel the harmful 'rumours' of a conspiracy, they could not very well admit in evidence a document that oozes conspiracy from every line.

Less comprehensible is the attitude of the press. American journalists pride themselves on their searching, hard-hitting, crusading spirit. Here they were served a big sensation on a silver platter, substantiated on the best authority - and not one of the major newspapers, not one of the Pulitzer Prize winners, not one of the name writers bothered even to mention it.

Indeed, it was left for the editor of one of America's smallest newspapers, a weekly of less than 1,000 circulation called *The Midlothian Mirror*, to do what any reporter worth his salt should have done in the first place. After digging up this remarkable document in the Proceedings ('Hearings') of the Warren Commission, Mr. Penn Jones, Jr., editor of *The Midlothian Mirror* - which is published at Midlothian, Texas, in the Dallas area - went to see Mr. Jarnagin and asked him a few questions.

In the January 20, 1966, issue of *The Midlothian Mirror*, Mr. Jones wrote: '. . . On January 13, 1966 we asked Jarnagin if he had a tape recorder that night in the Carousel Club. He said he did not. We said "you sure must have a fantastic memory."

'Jarnagin said he graduated in the upper twenty percent of his class at SMU, that he had no trouble getting into the University of Chicago. He told us he once made a hundred on a college chemistry examination with many chemical formulas as

answers. He said: "I made a hundred on that test and I think I could recite the chemical formulas to you right now."

'Jarnagin is an excellent chess player which is a game requiring skill and good memory. Jarnagin repeated that he told the truth in his statement and he holds no ill will toward anyone. When asked if he was friendly with Henry Wade, members of the same legal fraternity, Jarnagin said: "Oh yes, Wade did the only thing he could under the circumstances." He did not elaborate. . . .

So Wade, District Attorney of Dallas County, 'did the only thing he could under the circumstances.' Let's see just what he did.

When District Attorney Henry Wade appeared before the Warren Commission, he was asked by General Counsel J. Lee Rankin:

'Do you have any evidence as to whether Jack Ruby was involved with anyone else in the killing of Oswald?'

Wade replied, 'No, sir. I have no evidence on that. We have some, and I think you have them all, *some 8 or 10 witnesses who have said they had seen Ruby and Oswald together at various times.*' (italics mine - J. J.)

At Jack Ruby's trial, Wade had refused to put any of these witnesses on the stand, without any better reason than that he didn't feel like having anybody tell the court that they had seen Ruby and Oswald together. It may be presumed that Wade had, if not precise knowledge, at least a good hunch that all, or some, of these witnesses had seen The False Oswald in Ruby's company and that he therefore refrained from having them testify. For, what could have been more harmful to the official version of the Kennedy assassination than the disclosure, possibly made in court as a result of intensive cross-examination, that Ruby was in touch with somebody who so closely resembled Lee Harvey Oswald that several observers mistook him for the latter?

Wade went on in his testimony before the Commission:

'Some of them were. I know one of them during the trial was a lawyer there in Dallas, which I presume you all got his four-page statement, said he heard them discussing killing Connally a week before then, came out to my house and that had been sent to the FBI, and that was during the trial, and I gave him a

lie detector which showed that he didn't have, this was a fanciful thing. That, I can't think of his name, some of you all may know it, but he is a lawyer there in Dallas.'

I apologize to the reader for serving him up such a monstrously jumbled sentence, but I can't help it. This is a textual quotation from an official document and no one has the right to change it, even to make it sound intelligible. District Attorney Henry Wade has long been famous for his total inability to express himself coherently. The Warren Report says of Wade that he 'Lacked a thorough grasp of the evidence and made a number of errors.' That was putting it mildly. What Wade lacks is elementary education, among other things, as his above-quoted testimony shows. His total disregard for syntax and logic is matched only by his disregard for law and justice, which he documented again in the Jarnagin case.

Let us try to unscramble his dictum. It contains, besides numerous outrages against the language, at least two obvious misstatements of fact. What Jarnagin had sent to the FBI was not a four-page statement, but one of eight pages; and he had not done so during the trial of Ruby, but as early as December 4, 1963, as we have seen. Moreover, Wade's assertion that he couldn't think of the lawyer's name appears highly suspect. He was being questioned about a legal document that was both in his own files and those of the Commission and the name of the signer appears in it prominently in two places. If he 'couldn't think' of that name, it is because he didn't want to think about it, for Jarnagin was indeed a very embarrassing witness for Wade & Co.

Rankin then asked: 'You found that was not anything you could rely on?'

To which Wade replied: 'I didn't use him as a witness and after giving him the polygraph I was satisfied that he was imagining it. I think he was sincere, I don't think he was trying - I don't think he was trying to be a hero or anything. I think he really thought about it so much I think he thought that it happened, but the polygraph indicated otherwise.'

This, coming from a District Attorney, is almost beyond belief.

Edward J. Epstein writes on this subject in *Inquest* (p. 98):

'A polygraph is not, as it is sometimes called, a "lie detector."

It only measures emotional stress in a witness that *may* indicate deception or that may indicate other emotions such as fear, anxiety, nervousness, etc. The results of a polygraph test depend largely on the subjective interpretation of the witness's responses and are thus of dubious value in determining the truthfulness of a witness. Nevertheless polygraphs have considerable value as investigative aids in certain circumstances. For example, if a witness believes that the instrument is in fact a "lie detector," it may provide a strong psychological inducement for him to be truthful.'

Epstein further describes the polygraph test as a 'quasi-legal device' and quotes Rankin as saying that the 'Chief Justice could not give his seal of approval to *devices that the courts have ruled illegal.*' (italics added - J. J.)

In the light of this statement, made by Rankin in a personal interview with Epstein, it is surprising indeed that the General Counsel did not see fit to challenge Wade's arbitrary use of the polygraph test in the present case.

The Warren Report, in discussing the polygraph examination of Jack Ruby (which he himself had requested), states:

'A polygraph examination is designed to detect physiological responses to stimuli in a *carefully controlled interrogation.* [Italics added - J. J.] Such responses may accompany and indicate deception. . . .' Then, after describing the composition and use of this instrument, the Report adds:

'From those testing devices, it is possible to measure psychological or emotional stress. This testing device is the product of observation by psychologists and physiologists who noted certain physiological responses when people *lie.* . . . The polygraph may record responses indicative of *deception*, but it must be *carefully interpreted.* The relevant questions, as to which the interrogator is seeking to determine whether the subject is *falsifying*, are compared with control questions where the examiner obtains a known indication of *deception* or some expected emotional response. . . . *There are no valid statistics as to the reliability of the polygraph.* FBI Agent Herndon testified that, notwithstanding the absence of percentage indicators of reliability, an informed judgment may be obtained from a well-qualified examiner on the indications of *deception* in a normal person *under appropriate standards of administration.*

Ordinarily during a polygraph examination only the examiner and the examinee are present. It is the practice of the FBI, however, to have a second agent present to take notes. . . .' (Italics added throughout - J. J.)

Now consider the way Henry Wade administered a polygraph test to fellow-lawyer Jarnagin in order to determine whether the latter had made a truthful written statement to the FBI.

Wade did not summon the witness to his office for a formal examination; instead, he invited him to his home and there gave him the polygraph test under wholly *uncontrolled* circumstances. No other person was present and no notes were taken. The 'evaluation' of the test was altogether Wade's own, and was made in the most arbitrary manner one can imagine.

Most importantly, Wade deliberately falsified the purpose and significance of the polygraph test which is solely designed to detect indications of *lying*, but has no validity whatsoever in the determination of fact as different from *delusion*.

The fact that Wade himself seeks to exonerate his fellow-lawyer ('I think he was sincere,' etc.) completely undermines his position and shows up his flagrant misuse of the polygraph device.

Says Wade: 'I gave him a lie detector which showed that he didn't have (what?), this was a fanciful thing.' Polygraph tests are supposed to catch liars, not to sift fact from fancy. But Wade, after giving Jarnagin the polygraph, 'was satisfied that he was imagining it.'

He had to admit that Jarnagin sounded sincere, but if this were so the polygraph, if properly administered, could not have registered any physiological responses casting doubt on the validity of Jarnagin's statement.

Wade's contention that Jarnagin 'thought about it so much I think he thought that it happened' is absurd on the face of it. Lawyers generally aren't the type of people that dream up things and Jarnagin, judging by his background, is a human calculating machine rather than a fantasist. Besides, his statement is so detailed and so soberly presented, it cannot possibly be a figment of hallucination. It is either a piece of cold-blooded fakery and in that case Jarnagin should have been immediately arrested and prosecuted by the very same Henry Wade for

giving false testimony to the FBI; or else it is a truthful account of something that really did happen.

Wade's whole behaviour in the case flies in the face not only of law and justice, but also of the Commission's own stand in the matter, as indicated by Rankin in his above-quoted statement that the 'Chief Justice could not give his seal of approval to devices that the courts have ruled illegal.'

Yet, sadly enough, the Chief Justice, in this particular case, did bestow his approval on a flagrantly unlawful and abusive administration of a polygraph test, for he did not take Wade to task for it or challenge his dismissal of highly important evidence on such flimsy pretexts.

One member of the Commission, Allan Dulles, apparently was not satisfied that the District Attorney had performed in the case as he should have, for he asked: 'Did you have any other evidence than the polygraph on this point that he was not telling the truth or that this was a fiction?'

Wade's reply: 'No, but I didn't—but I did see a report where the FBI interviewed the girl that was allegedly with him in Ruby's place in October, and she didn't corroborate all of it. I think she did say he was in there but I am not even sure of that. I didn't interview her but I just read a report on it.'

Again, this coming from the highest law-enforcement officer of one of America's biggest cities is such a conspicuous affront to law and justice that it should have made the Commissioners jump from their seats when they heard it.

The obvious, indeed the compelling, way to check Jarnagin's statement was to ask the dancer* who was with him on that occasion if she could corroborate it. Actually the FBI did interview her, but we aren't told what this girl said or what the Bureau really reported. All we have is Wade's say-so on the matter which is, as usual, vague, fumbling and contradictory.

When Wade says the unidentified witness 'didn't corroborate all of it,' doesn't that mean, implicitly, that she did corroborate some of it? And wouldn't that be enough, under the circumstances, to prove that Jarnagin's story was basically true?

Can one expect a young girl, a nightclub dancer, to have as complete a recollection of the incident as the alert lawyer, evidently a man endowed with exceptional recall memory?

* Identified in some press reports as Shirley Maudlin.

Even by Wade's own account it is clear that Jarnagin's companion remembered the incident and confirmed as much of it as she could recall.

The proper thing to do, under the circumstances, would have been to get a sworn statement from this young woman and then, if it showed major discrepancies, to confront her with Jarnagin and have both parties reiterate their depositions under oath.

Since the District Attorney failed to perform his duty in the case, it was incumbent upon a Commission ostensibly appointed to probe thoroughly into the background of the Kennedy assassination to get to the bottom of this matter through searching cross-examination and the threat of perjury proceedings.

Instead, the Commission chose to rely on Wade's say-so, despite their own assessment that he 'lacked a thorough grasp of the evidence and made a number of errors.' They were satisfied to have a District Attorney testify that 'I think she did say he was in there but I am not even sure of that.' Did he not have plenty of means at his disposal to make sure?

Aside from the corroborating witness, the next most obvious thing to do was to check with the Texas Department of Public Safety whether or not they had received the information Jarnagin says he passed on to them by telephone as early as October 5, 1963. Apparently such a check was made but what its results were we learn again only through the mouth of Henry Wade and in his own inimitable style:

'I read where they checked with the Department of Public Safety and they did not, were not able to—he said he reported all this to the Department of Public Safety, and I don't think they found any record of him reporting it.'

Imagine the situation. A well-known lawyer telephones to the Department of Public Safety to give them confidential information about plans to kill the Governor of the State—and there is no record of this communication. But then, of course, we have only Wade's word for it that no record was found, or rather, his half-word, for again it's 'I don't think.'

Shouldn't the Warren Commission have pressed vigorously for the facts of the matter by summoning the official in charge of processing such information from the public? Shouldn't it have asked Connally whether or not he had heard of this threat to his own life?—forty-nine days before he, and President

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Kennedy, were to fall victims to the kind of murderous assault that had been debated between Ruby and 'H. L. Lee.'

Instead, the Commission once more relied on the unsubstantiated say-so of Henry the Vague and let it go at that.

Apparently, Wade tried to get Jarnagin to come in for a heart-to-heart talk as between one lawyer and another. He says:

'It is very difficult to get him to come in to see me. He didn't just walk in, this went on for a month. I kept hearing that there was a certain person knew about it and I kept telling him to come on and talk to me and he finally came out to my house late one night.

'The reason I think he actually must have thought it was so, but—I wasn't too interested in that theory of the case on this thing because I had a theory on this Ruby case from the start because I, even before you are going to get into some of these officers' testimony in a minute, but when this happened I was going home from church, and my own mind I said I believe that was Jack Ruby who shot him. . . .'

If you can make head or tail of this nightmarish sentence (and I'm quoting only half of it, in order not to get lost completely), you are doing a lot better than this writer. Wade starts out with the promise of telling us the reason why, in his view, Jarnagin had thought up something that never did happen, but then, half way through a hopelessly scrambled sentence he switches to an entirely different subject (one that will be dealt with in a subsequent chapter) and rambles on, with the Commission panting behind. After a while, Senator Cooper brings the hearing back to the subject on hand by asking: 'Mr. Wade, can you name to the Commission the names of the persons who told you or who stated in your presence that they had seen Lee Oswald and Jack Ruby together?'

WADE: 'Well—'

COOPER: 'Start out with the first one, his name.'

WADE: 'If anybody would mention the lawyer's name, I know him—he has run for the legislature a number of times.'

COOPER: 'A lawyer who lives in Dallas?'

WADE: 'A lawyer in Dallas, and he has—we have a four-page affidavit about this thing, and mailed it to J. Edgar Hoover.'

COOPER: 'You can supply his name.'

WADE: 'We can supply his name and I would supply you

with copies of his affidavit which I think you have. Don't you have it, isn't that up here?'

COOPER: 'Without going into that in a moment, you can refresh your recollection and supply to the Commission the name of this lawyer.'

WADE: 'Yes, sir.'

COOPER: 'Had he talked to you?'

WADE: 'Yes, sir.'

COOPER: 'What did he say? Did he make a written statement to you or just talk to you?'

WADE: 'He handed me a written statement. He said, "The day after this happened, I made this," it was a copy of a written statement, he said, "I sent this to J. Edgar Hoover in Washington." I am talking to him, we will say, the 10th to the 20th of February, the first time I talked with him.

'He said, "I sent this to the FBI, to J. Edgar Hoover, special delivery air mail within a day or two after the assassination," and he left that and as far as I know I have got a copy of that, he left it with me.

'He talked to me at length there at my house, just us, and I would say at 11 o'clock at night, it was on a Sunday night I know, but what Sunday night I don't know. It was a Sunday night in February. I read that statement over. It is a rather startling thing. It didn't ring true to me. It all deals with a conversation between Oswald and Ruby about killing John Connally, the Governor of Texas, over, he says, they can't get syndicated crime in Texas without they kill the Governor.'

A short insertion is in order here. The statement by Jarnagin nowhere indicates that the man who talked to Ruby that night was Oswald. Quite apart from the question of a False Oswald deliberately posing as the real one on this occasion, anybody could use the name of H. L. Lee. Here again Wade, in stating specifically that the man was Oswald, jumps to a conclusion and prejudices his case, as he has been doing all along. Wade continues:

'I know enough about the situation, the Governor has practically nothing to do with syndicated crime. It has to be on a local, your district attorney and your police are the ones on the firing line on that, and they discussed at length killing him, how much they are going to pay him. He wants five thousand. I

believe or half of it now, and half of it when it is done. Don't you have this memorandum?"

RANKIN: 'Yes.'

WADE: 'There is no use of me trying to give it to you.'

COOPER: 'I was just personally trying to get your recollection about it.'

WADE: 'He told me this is what happened, and I said, "I can't put you on the stand without I am satisfied you are telling the truth because." I said, "We have got a good case here, and if they prove we are putting a lying witness on the stand, we might hurt us," and I said, "The only thing I know to do I won't put you on the stand but to take a polygraph to see if you are telling the truth or not."' "

Read that again, please. Wade is talking about the Ruby trial. He has a 'good case' against the accused, indeed. Millions of people around the world have been eyewitnesses of the murder, on television. Nevertheless, he is afraid of hurting his case, if it could be proved that he was putting a lying witness on the stand. And therefore he decides (that appears to be the meaning of the last confused sentence, anyway) not to put him on the stand, but still to give him the polygraph test.

Question: How could any attorney for the defence prove that Jarnagin was a 'lying witness' if he himself knew of no other way of disproving his affidavit than by giving him a polygraph test?

There existed practically only one possibility for opposing counsel to disqualify Jarnagin's statement to the FBI and that was by getting the unidentified woman companion of the lawyer on the stand and having her swear that the incident did not happen. And such a contingency Wade could easily have prevented by talking to this young woman himself in the first place. Instead, he uses his well-known evasive tactics and tries to solve his dilemma with the 'quasi-legal' device of a polygraph test which he knows very well would not have been admissible in a court of law.

WADE (continues): 'He said, "I would be glad to." And I set it up and later I ran into him in the lawyer's club there and he handed me another memorandum which amplified on the other one, which all have been to the attorney general *or if we didn't lose it in the shuffle*. [Italics added - J. J.]

'This was during the trial actually, and then when the man called on me he took a lie detector. There was no truth in it.

'That he was in the place. He was in the place, in Ruby's Carousel, but that none of this conversation took place. He said he was in one booth and Ruby was in another booth.'

This is Wade all over again, insinuation, distortion, jumbled syntax and all.

'Or if we didn't lose it in the shuffle' takes the prize. A District Attorney who admits that 'losing in the shuffle' an important document is the alternative to it having been furnished to the Attorney General evidently cannot be trusted. Least of all when, at his sole discretion and without giving any details, he determines that 'there was no truth in it' (Jarnagin's polygraph statements).

Note also how Wade perverts the facts in another respect. He makes it appear as though the polygraph test had brought out that the witness really had been to Ruby's place but that nothing out of the ordinary had occurred there ('that none of this conversation took place'). Or is this supposed to have been a belated confession by Jarnagin? In which case he couldn't have been 'sincere' (as Wade himself said he was) and he should have been prosecuted for giving false information to the FBI. Moreover, we know from the above-mentioned conversation between Jarnagin and Penn Jones, Jr., that the former, in 1966, still maintains that he was telling the truth. In this connection, Mr. Jones's comment on Wade's 'lie detector performance' in this case deserves to be quoted:

'This editor has seen Texas peace officers walk frothing with anger from a rigged lie detector test in the Dallas Police Headquarters - when a right-winger has to be protected in Dallas. . . .'

So here we have it on local authority that rigging lie detector proceedings is normal police practice in Dallas. That, added to Wade's arbitrary use and interpretation of this device, completely invalidates the method employed to disprove Jarnagin's statements.

Indeed, if there could have been any doubt about the truthfulness of his assertions, the devious, evasive and downright perfidious way the District Attorney tried to disprove them must be considered conclusive evidence that they were correct.

The same goes for the attitude of the Warren Commission in

the case. They had every opportunity to check Jarnagin's statements. They could have summoned him to testify under oath; they could have questioned his woman companion; they could have confronted the two witnesses; they could have insisted on clear and intelligible answers from Wade; they could have checked with the Texas Department of Public Safety; they could have checked with the Attorney General in order to find out if Jarnagin's supplementary memorandum was forwarded or 'lost in the shuffle.'

The Commission did none of these things. It acted as it always did when evidence of conspiracy was staring in its face: it played ostrich. Its lack of candour is perhaps most strikingly evident in the way Rankin and Cooper discussed with Wade the Jarnagin memorandum. The Commission had it in its files all along yet they kept prodding Wade to produce the memo and to 'recollect' the name of the lawyer who had signed it. They were just beating about the bush, pretending to investigate and yet happy not to get any results. Their evasive tactics consummate the proof that Jarnagin told the truth.

Enter Larry Crafard (by stealth)

It is established, then, that Ruby on October 4, 1963, held a conspiratorial meeting with a man who was not Lee Harvey Oswald, but who looked very much like him and who used an almost identical cover name. Murder was on their minds and the Texas School Book Depository was being discussed as a convenient place from where to shoot at a parade with a rifle.

We do not know how their conversation ended, but it so happens that in the following weeks a large number of people saw Ruby at the Carousel Club or elsewhere in the company of a person in whom they subsequently recognized the man who was accused of having assassinated President Kennedy, Lee Harvey Oswald.

District Attorney Henry Wade himself conceded before the Warren Commission that there were 'some 8 to 10 witnesses who have said they had seen Ruby and Oswald together at various times.' He didn't bother to put any of them on the stand at the Ruby trial and he never gave the Commission any details, except for his garbled account, of his dealings with Jarnagin, the lawyer. And the Commission, as we have seen, did not press him to the point where any real information might have been forthcoming. It also failed to insist on elucidation of another incident that cropped up twice during the hearing of Wade.

At one point in the proceedings, Wade stated:

'We had a waitress that I think you are all familiar with that was out at B & B Café at 3 a.m. on the 22nd who said she served Ruby and Oswald there. B and B Café on Oak Lane, I know you have got that, I have seen it somewhere.'

Let's nail that down a little more firmly than the evasive Mr. Wade cares to do. He has information that a waitress at a Dallas restaurant asserted after the assassination that she had served together that very same morning Kennedy's presumed assassin and the man who was to become his killer.

Information of capital importance, if true. Was it true? To find out, one had to verify. What did Wade do?

When Senator Cooper asked him—in a different context—'Did anyone else tell you that they had seen Ruby and Oswald talking together?' he replied:

'No one else personally has told me this.'

COOPER: 'You mentioned a girl.'

WADE: 'No, I never talked to her but we had the Dallas Police take an affidavit from her and so did the FBI of that which is in all your files. What her name is, I just know it is a waitress out at the B & B Café. She lived in Mesquite, Tex., and some of my people interviewed her and she told them the same thing she told the FBI.'

Although Wade had said in one place 'a waitress that I think you are all familiar with' and in another had stated that her affidavit is 'in all your files,' one would leaf in vain through the Warren Report trying to get some more information about this curious incident.

To be sure, the Report, in Chapter VI, subhead 'Ruby's activities from November 21 to November 24, 1963,' does state that on the early morning of the fateful November 22nd 'as late as 2:30 a.m., Ruby was seen eating at a restaurant near the Vegas Club,' an obvious reference to the B & B Café, but then it drops the matter like a hot potato. The next item is how Ruby learned of the shooting.

Whenever the Commission acts in this manner, making short shrift of a piece of evidence that normally would seem to require the most thorough attention, one may be sure that it is getting hot on the trail of something it wants to avoid. One would think a Commission purporting to find the truth about a presidential assassination might find such a tip as the unidentified waitress at the B & B Café had provided interesting enough to subject it to intensive verification.

Yet the Commission neither called upon this girl to testify nor did it mention her in the Report or include her statements to the police and the FBI among the published affidavits. She is simply ignored—a 'non-person' as they would say in Russia.

Evidently the Commission sensed that by pursuing this thread it would become enmeshed in a web of conspiracy beyond hope of extricating itself.

By contrast, the Commission does mention by name several other persons who had alleged they had seen Oswald and Ruby together—and then proceeds to discredit them one by one or to distort their testimony in the usual manner.

For instance, the Report states: 'Willbryn Waldon (Robert) Litchfield II also claimed to have seen at the Carousel Club a man resembling Oswald. Litchfield stated that during a visit to the Carousel Club in late October or early November 1963, he saw such a man enter Ruby's office, apparently to confer with Ruby. Although there is substantial evidence that Litchfield did see Ruby at the Carousel Club about that time, there is strong reason to believe that Litchfield did not see Lee Harvey Oswald. Litchfield described the man he saw as having pockmarks on the right side of his chin. Oswald did not have such identifying marks.'

Now Litchfield gets his spanking, the way all witnesses are treated who testified to something the Commission didn't care to hear:

'Moreover, the Commission has substantial doubts concerning Litchfield's credibility. Although present at an FBI interview of another witness on November 29, Litchfield made no mention of his observation to public officials until December 2, 1963 [then, why was he present at all at the interview of another witness?—J. J.]. Litchfield who had twice been convicted for offenses involving forged checks, testified that he first recalled that Oswald resembled the visitor he saw at the Carousel Club while watching a television showing on Sunday morning, November 24, of the shooting by Ruby. At that time Litchfield was playing poker with three friends, and he testified that he promptly informed them of the resemblance he observed. However, none of the three poker companions remembered Litchfield's making such a remark; and two added that Litchfield's statements were often untrustworthy.'

It will be noted that Litchfield, according to this official account, never alleged that he had seen Oswald at the Carousel Club. He had observed there a person 'resembling Oswald.' When he watched the murder of Oswald by Ruby on television he 'first recalled that Oswald *resembled* the visitor' and then informed his poker friends 'of the *resemblance* he observed.'

In other words, Litchfield had gotten a pretty good look at

The False Oswald as he entered Ruby's office for a conference with the latter. Precisely for that reason, it may be presumed, Litchfield was slapped down so hard by the Commission which all along has shown a certain leniency for people who felt sure they had seen Oswald in Ruby's company (and who, by the same token, certainly were in error) but was merciless toward witnesses who had noticed in Ruby's club a person resembling Oswald. By this very difference in approach the Commission has indicated that it was intensely – and uneasily – aware of the existence of a 'double' who posed as Oswald and in fact conspired with others to frame the real Lee Harvey.

Heavy pressure was brought to bear by the Dallas police, the FBI, and finally by the legal staff of the Commission itself on a number of witnesses who claimed to have seen Oswald (or a person resembling him) and Ruby together, in order to make them change their story. A case in point is that of the 'master of ceremonies' at the Carousel Club at the time of the Dallas tragedy. The Warren Report presents him in these terms:

'William D. Crowe, Jr. [stage name Bill deMarr – J. J.], a young master of ceremonies who had worked for Ruby on three occasions and had begun a 4- or 5-week engagement at the Carousel Club on November 11, 1963, was the first person who reported a possible association between Ruby and Oswald. While attempting to enter the Carousel Club on November 24, shortly after Oswald was shot, Crowe encountered two news media representatives who were gathering information on Jack Ruby. At that time, Crowe, who included a memory act in his repertoire, mentioned the "possibility" that he had seen Oswald at the Carousel Club. As a result he was asked to appear on television. In Crowe's own words, the story "started snow-balling." He testified:

"They built up the memory thing and they built up the bit of having seen Oswald there, and I never stated definitely, positively, and they said that I did, and all in all, what they had in the paper was hardly even close to what I told them."

'Crowe added that his memory act involved a limited system which did not, in fact, improve his memory and that his memory might not even be as good as that of the average person. When asked how certain he was that the man he saw was Oswald, Crowe testified: ". . . the face seemed familiar as

some faces do, and I had associated him with a patron that I had seen in the club a week before. That was about it!"

Three observations are in order. In the first place, the Commission, following its usual tactics in such cases, tries to play down the episode: Crowe had mentioned merely the 'possibility' that he had seen Oswald at the Carousel Club (actually, Crowe, in his television appearance, was much more positive than that); his memory act, which would suggest that Crowe had a good recollection of the incident in question, was, to the Commission, nothing to make a song about.

Secondly, Crowe, by the time he was questioned by a member of the Commission's legal staff, appears to have been thoroughly intimidated, as his apologetic declarations show. The effect of this pressure is apparent from the following statement District Attorney Wade made before the Commission in answer to the following question from Mr. Dulles:

'You referred, Mr. Wade, to some testimony or some evidence that Oswald was at some time in the Carousel when Ruby was there. Was that solely from this lawyer whose testimony you have mentioned?'

WADE: 'The only one of my personal knowledge that I talked with was from the lawyer. He told me he was there with a certain girl, a stripper, and Ruby and Oswald were in an adjoining booth. *There is lots of other people. I think your master of ceremonies, they had him on television and said he had seen them there but later on said he hadn't when they got to interviewing him. . . .*' (Italics added – J. J.)

Thirdly, an obvious diversion is created by Crowe's remark about an unidentified newspaper ('what they had in the paper was hardly even close to what I told them'), whereas what really matters is Crowe's appearance on television. On this score, and on the manifest harassment to which the young MC was subjected, Dorothy Kilgallen wrote in *The New York Journal-American* on the eve of the publication of the Warren Report:

'Presumably the long-awaited Warren Report will explain what has happened to characters who were important in the Kennedy-Oswald-Ruby drama in November, but have since vanished like ripples of water.

'There is Bill DeMarr, the personable master of ceremonies at

Ruby's Carousel Club, who also did a memory act and appeared on television shortly after Ruby shot Oswald. When asked by a television interviewer whether he had ever seen Oswald in Ruby's club, DeMarr said yes, as a matter of fact as soon as he had seen Oswald's picture after his arrest he had recognized him as a customer who *had participated in the memory act a night or so before the assassination*. [My italics - J. J.]

'There was no reason for DeMarr to invent this story; he would have been on television anyway, getting publicity which might be valuable to him, because the newscasters and reporters were grabbing anybody who knew anything about Jack Ruby, and DeMarr would have been shoved on camera just to tell what Jack Ruby was like as a boss, regardless of whether he had ever seen Oswald.

'And what has it profited DeMarr? He was last reported working in a Bayonne, N.J. nightclub, and that place does not have his current address and no one can find him. His union, AGVA, will not reveal his address - anyone who asks about him is told to "write to him in care of the union, and we will forward the letter."'

Crowe, then, has gone into hiding, obviously in fear of his life. He is not the only inconvenient witness who has been badgered and hounded by the police and the FBI (remember, as Wade put it, 'later on said he hadn't when they got to interviewing him') beyond endurance. Many of them even were killed, as will be detailed in a subsequent chapter.

Now back to the Warren Report and this interesting item:

'A possible explanation for Crowe's belief that Oswald's face seemed familiar was supplied by a freelance photographer, Eddie Rocco, who had taken pictures at the Carousel Club for Ruby at about the time Crowe was employed there. *Rocco produced one of those photographs which depicted a man who might have been mistaken for Oswald* by persons having no reason to remember the man at the time they saw him [my italics - J. J.]. When shown the Rocco photograph, Crowe said that there was as strong a possibility that the man he recalled seeing was the man in the photograph as there was that he was Oswald. Crowe's uncertainty was further underscored by his failure initially to provide his information about Oswald to David Hoy, a news-media friend whom Crowe telephoned in Evansville, Ind., less

than 20 minutes after Oswald was shot. By then the possible recognition had occurred to Crowe, and Hoy said he was quite surprised that Crowe had given the information first to other news representatives instead of telling him in that early conversation.'

One wonders why the Commission should have set down in print the totally irrelevant story about Crowe's dealings with Hoy (apparently Crowe felt he could get more out of his information by reserving it for the bigger news media), unless it was for the purpose of obscuring the crucially important sentence that went before. For, if Crowe, on viewing the Rocco picture, stated that there was 'as strong a possibility that the man he recalled seeing was the man in the photograph as there was that he was Oswald,' then this can mean only one thing: there were two different people of uncanny resemblance to one another, one of whom was actually photographed at Ruby's club - and his opposite number, the real Oswald.

The Warren Report goes on to say:

'After Crowe's identification had been publicized, four other persons also reported seeing Oswald at the Carousel Club. One man said he saw Ruby and Oswald seated at a table together and recalled that the man resembling Oswald was addressed by a blond-haired waitress as "Bettit" or "Pettit." The witness was unable to give any description of "Pettit," except that he was the man who had been shot by Ruby. He could not describe the inside of the Carousel and was unable to give a precise location for the club. Another witness, a resident of Tennessee, related seeing a man *resembling Oswald* at the Carousel Club on November 10. Ruth Paine has testified, however, that Oswald spent the entire holiday week-end of November 9, 10, and 11 at her home in Irving, Tex.'

I'll deal with the case of 'Pettit' in another context. The instance of the resident from Tennessee is particularly important. In contrast with others, he is not discredited by the Commission as an unreliable witness; his observation of 'a man resembling Oswald' at the Carousel Club, then, may be taken for granted. Ruth Paine's statement that Oswald was at her home on the day in question does not invalidate the Tennessee's observations, as the Commission makes it appear. Instead, it once more proves my point: there was a False Oswald whom

quite a few people saw at Ruby's place and whom they, after the assassination, erroneously believed to have been the real one. The situation is perfectly clear: on November 10, 1963, Lee Harvey Oswald was at Mrs. Paine's home, Irving; on the same date his double was observed at the Carousel Club. This is also corroborated by the next passage in the Warren Report:

'Two of Ruby's former employees, Karen Carlin and Billy Joe Willis, also believed they had seen a person who resembled Oswald. Willis believed he saw the man at the Carousel Club but *did not think the man was Oswald*. Mrs. Carlin likewise was not certain that the man was Oswald nor was she sure where she had seen him. . . .'

Adding it all up, then, we have at least five persons known by name (Carroll Jarnagin, William D. Crowe, W. W. Litchfield II, Karen Carlin and Billy Joe Willis) who had observed a man resembling Oswald at Ruby's club; some of them thought this person was in fact Oswald, while others did not. In addition, we have the testimony of the waitress at the B & B Café to the effect that she had *served Ruby and a man resembling Oswald on the very morning of the assassination, i.e. at a time when the real Oswald was sound asleep at the home of Mrs. Paine in Irving*. And, to boot, there is the photographic evidence produced by Eddie Rocco. It must have been impressive since the Commission decided *not* to reproduce for the public the likeness of the man snapped at Ruby's club who looked so much like Oswald that at least half a dozen persons mistook him for the latter.

It is further established, then, that in the weeks preceding the assassination a man resembling Oswald to the point of being his spitting image was frequently observed at Ruby's place by a number of eyewitnesses.

Who was this man?

Strange as it may seem, the Warren Report tells us who he was. To be sure, it does so in the most inconspicuous manner the Commission could think of; indeed, this most sensational disclosure of all those contained in the Warren Report was so skilfully 'buried' that even trained observers and critical minds like Mark Lane, J. Edward Epstein and Sylvan Fox either overlooked it or took no note of it. This is how the Warren Commission handled its most important contribution to the search for the truth about the Kennedy assassination:

OR HAVE
LIED

'The testimony of a few witnesses who claim to have seen Ruby with a person who they feel may have been Oswald warrants further comment. One such witness, Robert K. Patterson, a Dallas electronics salesman, has stated that on a date established from sales records as November 1, 1963, Ruby, accompanied by a man who resembled Oswald, purchased some equipment at his business establishment. However, Patterson did not claim positively that the man he saw was Oswald, and two of his associates who were also present at the time could not state that the man was Oswald. *Other evidence indicates that Ruby's companion was Larry Crafard*. Crafard, who lived at the Carousel Club while working for Ruby from mid-October until November 23, 1963 [my italics - J. J.], stated that sometime in late October or early November he accompanied Ruby to an electronics store in connection with the purchase of electronics equipment. Ruth Paine testified that *Crafard's photograph bears a strong resemblance to Oswald*; and employment records of the Texas School Book Depository show that Oswald worked a full day on November 1, 1963.'

So there it is. There's your cat out of the bag - and what a specimen it is! In mid-October, i.e. about ten days after Ruby has clandestinely conferred about murder with a young drifter about Oswald's age and strongly resembling Oswald and who, moreover, in his own words, 'needs a place to stay and a job,' a fellow subsequently identified by half a dozen witnesses as Oswald comes to live at Ruby's Carousel Club. Is it bold speculation to suggest that there was a visible link between these two events? That, in fact, a near-certainty exists that we are dealing with the same person, Larry Crafard, who by his own admission was mistaken for Oswald by the electronics salesman and his associates?

And why, one might ask, did the Warren Commission leave it to Mrs. Paine, who has absolutely nothing to do with this particular phase of the proceedings, to establish Crafard's 'strong resemblance to Oswald' from a photograph? Why, since Crafard was repeatedly interviewed in Washington by a member of the Commission's legal staff, did the panel not state as a matter of its own knowledge and experience that the two men looked startlingly alike?

Was it not because the Commission, having stumbled upon a

most tell-tale and most inconvenient fact that stank of conspiracy, desperately tried to hide it? The oblique identification of Crafard by Mrs. Paine as the man associated with Ruby who looked so much like Oswald several witnesses confused the two, helped scotch the rumours that Oswald and Ruby knew each other and therefore it had to go into the report. Apart from that, it was bound to escape the attention even of persistent truth-seekers, as the Commission had correctly calculated. By contrast, had the Commission itself pointed to the amazing fact that Ruby, for weeks before the assassination, was harbouring at his club an individual who looked so much like Oswald as to be an actual 'double' – there would have been the devil to pay. The utmost discretion evidently was called for in an explosive situation like that and the Commission did a good job suppressing the potentially disastrous impact of its most astounding disclosure.

But now that the truth is out, we have not only a right but the imperative duty to take a closer look at Larry Crafard, The False Oswald.

Crafard: A Murky Background

THE Warren Report displays an evident reluctance to deal with the curious personage Curtis LaVerne ('Larry') Crafard in intelligible detail. Nowhere else are so many gaping holes in the Commission's account of events; nowhere else are so many loose ends left dangling. It must be obvious to the most trusting reader of the Report that something is very much wrong with Larry Crafard. And for that reason precisely the Commission shies away from discussing him, except for applying a thin coat of whitewash to the strange behaviour of this individual. ✓

Larry Crafard is casually introduced in the section 'Ruby's Activities from November 21 to November 24, 1963' in these terms:

'On Thursday, November 21, Jack Ruby was attending to his usual duties as the proprietor of two Dallas night spots – the Carousel Club, a downtown nightclub featuring striptease dancers, and the Vegas Club, a rock-and-roll establishment in the Oaklawn section of Dallas. Both clubs opened for business each day in the early evening and continued 7 days a week until after midnight. Ruby arrived at the Carousel Club at about 3 p.m. Thursday afternoon, as was his custom, and remained long enough to chat with a friend and receive messages from *Larry Crafard*, a handyman and helper who lived at the Carousel. . . .'

The Commission saw no reason why it should inquire into the circumstances under which Crafard came to be employed as a 'handyman and helper' by Ruby. Yet the fact alone that Crafard, by the Commission's own account, bore a striking resemblance to Oswald certainly should have aroused their curiosity. With the added fact of paramount importance that 8-10 people claimed to have seen at Ruby's club a person looking like Oswald, when the real Lee Harvey never set foot there, it became the Commission's imperative duty thoroughly to in-

investigate the background of Larry Crafard and the reasons for his being employed by Ruby at that particular time.

And, of course, even a cursory look at the Jarnagin statement describing a murderous plot being hatched between Ruby and a man who very much looked like Oswald, but was not Oswald, should have been enough to convince any honest investigator of the assassination that Crafard had plenty to explain and should have been grilled relentlessly. Yet he was hardly subjected to more than perfunctory questioning—or else the information that did emerge about him was deliberately withheld from public knowledge.

That Crafard really played a far more important part in Ruby's life and business than that of a lowly 'handyman and helper' becomes immediately apparent if one switches from the Warren Report to the 'Hearings.' Vol. XIX, pp. 353-356, discloses that Crafard was one of Ruby's closest companions during the weeks preceding the assassination. He spent practically every night at one or the other of Ruby's two nightclubs, performing a variety of functions that reached from those of a janitor to those of an assistant manager, not to forget the occupation of bartender. In other words, he was a regular factotum.

Such a position would be understandable if Crafard had been in Ruby's employ for a considerable period of time. Actually, however, Crafard, in the words of the Warren Report, already quoted, 'lived at the Carousel Club while working for Ruby from mid-October until November 23, 1963', i.e. for the short span of five-and-a-half weeks.

At this point, let us introduce this curious individual in the words of Exhibit 5226 of the Warren Commission's Hearings:

'Federal Bureau of Investigation

'Date: November 29, 1963

'Mr. Curtis La Verne Crafard, also known as Curtis LaVerne Crafard, Larry, C. L. and Smoky, was located at the cabin of Roy Parks in rural Antrim County, Michigan. He was visiting his sister, Mrs. Corabelle Ingersoll. This individual volunteered the following information:

'He was born at Farwell, Michigan, on March 10, 1941, raised

in Michigan and California, until his family moved to Dallas, Oregon [sic—J. J.], in 1958. The family were fruit harvest people. In September, 1958, he enlisted in the United States Army and served until November, 1959, when he was given a general discharge under honorable conditions. He married Wilma Jean Heanney, June 16, 1962, and she was from Dallas, Texas. He first went to Dallas, Texas, in March, 1963, to attempt a reconciliation with his wife, but finally they separated in June, 1963, as his wife was a lesbian.

'During August, 1963, he started to work with a carnival and followed this work, which accounted for his being at the Texas State Fair in Dallas, Texas, on or about October 15, 1963.

'He joined a carnival show which was named "How Hollywood Makes Movies." This was run by a Bob Craven, of Hollywood, California, and he performed the duties of a roustabout. He lived in a tent on the fairgrounds and stayed with this show and another show which was a rock-and-roll outfit until the fair closed on approximately October 30, 1963.

'During the time he was employed with the "How Hollywood Makes Movies," he ascertained that Jack Ruby had approximately \$150.00 invested and on or about October 21, 1963, at closing time, he was introduced to Ruby by a "Deek" Miles, another one of the backers. He saw Ruby two or three times during the Texas State Fair, as Ruby would check on the progress of the show. When the fair closed about the end of October, 1963, Ruby hired him to tear down the stage and take it to the Carousel Club in Dallas, Texas. He worked with a man named Howard (Last Name Unknown), a Negro, who had been employed by Ruby for approximately 18 years [my italics—J. J.]. After completing this job, Ruby asked him to stay at the club and work for room and board. He had the room in front of Ruby's office. This would be approximately November 1, 1963.

'His job at the Carousel Club consisted of being a handyman, clean-up man, part-time bartender and also answering the telephone. It was his duty to take down names and addresses of people calling the club for Ruby. Ruby ran an ad almost every day in the local paper for waitresses and performers. He also had a financial interest in a Twist Board Company at Fort Worth, Texas. Telephone calls to a number of twenty or forty

would be received daily and these calls were placed in a stenographer's notebook, which he kept on Ruby's desk.

'The only odd incident concerning telephone calls was that about three or four times a day during the time he was at the club, a call would come in and the man would ask if Mr. Ruby was there. If Ruby was not there, the man refused to leave his name and on every occasion during this period of time, it was the same person who called. He brought this to Ruby's attention on numerous occasions and Ruby told him to forget about it; however, Ruby was not alarmed.

'Crafard would stay at the club and eat his meals at the *Eat Well Café* [my italics - J. J.] and the drugstore across the street from the club. Money for these meals was taken from the cash register. Ruby also purchased his clothes from the Good Will Store and gave him some spending money.

'Ruby had an apartment with an individual named George (Last Name Unknown), who sold Christmas cards and worked part time on the door at the club. He did not know where Ruby's apartment was located, but had the telephone number, WH 1-1050.

'He would see Ruby every day for about one to two hours and this usually occurred between 12:00 p.m. and 3:00 p.m., at the Carousel. Other than that, Ruby would telephonically contact him almost every hour for any calls. He has no knowledge where Ruby spent his time outside of the club. Usually, Ruby would then return to the club at about 10:00 p.m. each evening and stay until closing time, which was 1:30 a.m. during the week-days and 2:00 a.m. on the weekends.

'He stated Ruby trusted him and he would handle anywhere from \$300.00 to \$400.00 daily; however, Andy Armstrong or Alexander, the Assistant Manager and bartender, would handle the money until midnight and, thereafter, he would close up. . . .

This is not the end yet of Crafard's deposition to the FBI agents who had located him in a faraway cabin in the Michigan backwoods, after hunting for him feverishly for five days, throughout the country, following his sudden disappearance from Dallas on November 23 (see below). But let us stop here for a moment and critically examine Crafard's story so far.

. THE FALSE OSWALD

Quite obviously, Crafard here is not telling the truth. In the first place, he tells the FBI agents that he stayed with the carnival shows 'until the fair closed on approximately October 30, 1963.' Only after that date, says Crafard, did he take up lodgings in Ruby's club. He also claims to have been introduced to Ruby 'on or about October 21, 1963.'

Yet the Warren Report clearly and unmistakeably states that Crafard 'lived at the Carousel Club while working for Ruby from mid-October until November, 1963.' The Commission, then, must have ascertained that Crafard had given false information to the FBI about the time he went to work for, and started to live at, Ruby's club. Having satisfied itself that Crafard had been lying on this most important point, the Commission, however, failed to ask the all-important question: WHY?

Why did Crafard, when first questioned by the FBI, attempt to hide the fact that he had moved into the Carousel Club on or about October 15 by falsely claiming that he had been introduced to Ruby only a week later and had gone to work for him two weeks after that date?

The Commission also failed to do the next most obvious thing, i.e. to ask Bob Craven, Crafard's boss, when the latter's employment with the carnival had ended; and further to ask 'Deek' Miles on what date exactly he had introduced Crafard to Ruby. Since neither Craven nor Miles appears in the official List of Witnesses questioned by the Commission or its staff, it may be taken for granted that they were not asked any questions. Or, if by any chance they were, their answers were not considered fit to go into the record - not even in the 'Hearings' where other embarrassing material has been buried.

Once again, then, the Commission, in this important matter, has stuck to its favourite tactics of not touching at all anything that might be expected to interfere with its preconceived conclusions about Oswald and Ruby.

Crafard's contention that he did not know the last name of 'George,' Ruby's room-mate, also appears incredible. Not only did George Senator work alongside Crafard for weeks at the Carousel (even though only part time), but they also ate regularly at the same place. Indeed, Senator, in his testimony before the Commission, explicitly states that the *Eat Well Café* was his 'favourite breakfast place.' One may take it for granted, there-

fore, that there was far more than a casual acquaintance between Crafard and Senator.

Again, Crafard lied when he said that he 'first' went to Dallas, Texas, in March, 1963. Under questioning by Commission Counsel Leon D. Hubert, on April 8, 1964, Crafard had to admit that he had already been in Dallas, between April and June, 1961, working for a company called the Teer Plating Co.

With so many falsehoods and evasions on the record, would it not have been the duty of the Warren Commission to grill this individual thoroughly in order to get at the truth? Instead, 'Larry'—as he was constantly called by Counsel—was treated with kid gloves throughout. Obviously the Commission, far from being desirous to press for the truth, was terribly afraid that Crafard might spill some very unwanted beans.

Take for instance the way his curious role as the keeper of Ruby's telephone records was handled by the Commission. A second, lengthy questioning of Crafard in Washington, D.C., on April 9, 1964, by three members of the Commission's legal staff (Griffin, Hubert and Jenner) was devoted almost entirely to an attempt (if it can be called that) to get some information out of an eighteen-page memo pad (Exhibit 5202) on which Crafard had scribbled countless phone numbers and mysterious notations while in Ruby's employ. Here is an example of how this 'investigation' was conducted:

GRIFFIN: 'I want to refer now to the inside of the front cover. At the top of the inside of the front cover there is a number which appears to be "261-TA3- 8101" . . . Do you recognize that number?'

CRAFARD: 'No; I don't sir.'

GRIFFIN: 'Now, can you tell us what the number is underneath that? Read it for the record.'

CRAFARD: 'FE5-3366.'

GRIFFIN: 'Do you recognize that number?'

CRAFARD: 'No.'

GRIFFIN: 'There is a number under that, 612. Do you have any idea what connection that has?'

CRAFARD: 'No, I don't.'

GRIFFIN: 'Do you see the name "Jeff" which is written under 612?'

CRAFARD: 'Yes.'

GRIFFIN: 'Do you know who that might refer to?'

CRAFARD: 'No; I can't recall who it was.'

GRIFFIN: 'What is the next number under Jeff?'

CRAFARD: 'TA1-1782.'

GRIFFIN: 'Do you recognize this number TA1-1782?'

CRAFARD: 'No, I don't sir.'

And so on and so forth. A whole notebook full of phone numbers, names and notations in Crafard's handwriting, jotted down by him only a few months ago—and he can't remember a single thing. His mind is a complete blank, or so he pretends.

As a matter of fact, Crafard told one FBI agent, who interviewed him on August 21, 1964, at Portland, Oregon (Commission Exhibit No. 2430) that he had 'practically forgotten all that happened when I was in Dallas.'

Are we to believe this? Crafard is, as his record shows, a fairly bright fellow, with more than three years of high school education (he dropped out of high school six months before graduation to enlist in the Army). He was intimately connected, in one way or another, with one of the great news stories of our time which, as he must have known, some day might bring him alluring offers from newspapers and magazines and he has, in a few short months, 'practically forgotten all that happened when I was in Dallas!'

The Warren Commission chose to believe this patent lie, because the last thing it really wanted would have been to have Crafard tell the truth.

Let us now turn to Crafard's first deposition to the FBI on November 28, 1963 (Report dated 11-29-63):

'Most of the time at about 5:00 p.m., Ruby would call in from his home and, if needed, he told him he would be available there until he came to the club later. He said most of the affairs of the club were handled by (Andy) Armstrong, who performed paper work, etc., and this individual was with Ruby for approximately nine years.'

Let it be said here, in parenthesis, that the Warren Report deals most perfunctorily with this important witness, Andrew Armstrong. Any employee of Ruby's who has worked for him for such a long time evidently should have been subjected to the most exhaustive questioning. Yet all one finds about Armstrong, in the Warren Report, is a few scattered and extremely brief

references without great importance. This careless treatment of a major witness constitutes another of the countless shortcomings of the Report.

'Continuing [the FBI Report on Crafard goes on to say] he said that on a few occasions during the daytime, he would accompany Ruby around the Dallas area. He recalls one day, time unknown, that Ruby went to various companies in regard to the purchase of a safe for the club, as Ruby had the habit of carrying all his money in his pocket. On another occasion, approximately three weeks ago, he went with Ruby when Ruby checked about some sound equipment for the club. This was at an electronics company in about the 2200 or 2300 block of Elm Street. They were there ten or fifteen minutes and did not purchase anything. On this occasion he, Crafard, was wearing a suit and he feels they were there at about 3:00 p.m. or 4:00 p.m. He said that when they entered the place of business, the electronic equipment, speakers, public address systems, etc., were on the right and left-hand sides in between a counter and a stairway that went to a storeroom on the second floor.'

This item evidently was the source of the casually made, yet tremendously important, disclosure in the Warren Report that Crafard strongly resembled Oswald (see p. 35). One wonders, though, why Crafard, who generally has been so evasive and who otherwise pretended to be afflicted with an exceedingly poor memory, in this particular instance comes up with all sorts of details about this electronics store, thus making rapid identification by the FBI a foregone conclusion. Did he have any reason to want the store owner and his staff to remark to investigators about his uncanny resemblance to Oswald?

Let us continue with the FBI report on Crafard: 'He related that most of Ruby's time at the club was spent talking business and he had the habit of always telling the employees who they could talk to. Ruby was somewhat outspoken, had a quick temper and when mad would use loud language in his relations with employees.

'On November 17, 1963, he recalls telling Ruby that he would desire to cease his employment there on the 18th. He said that Ruby then told him he would put him on a salary, and persuaded him to stay indefinitely. Crafard said he was not too fond of the work and was not busy enough at the club. He also said

Ruby had a .38 calibre revolver which he kept in a money sack locked in the trunk of his car. He said that when transporting money, Ruby kept his money in the trunk with the revolver and always kept the revolver with him when moving money.

'In regards to Ruby's temper, he said that one night, approximately November 14 or 15, 1963, Ruby was having trouble with an MC, Earl Norman at the Carousel and about 1:30 a.m. he, Ruby, sent Crafard out to the car to get the gun. That was the only time he ever handled Ruby's gun and on that occasion did not take it out of the rack. He said that the gun was believed to be the property of Howard, the Negro employee.'

What has been said above about Armstrong applies in even greater degree to that other employee of Ruby's, the coloured man known only as Howard. We have already seen that Howard, according to Crafard, had been in Ruby's employ for *eighteen* years. That means he must have been working for Ruby even before the latter came to Dallas in 1947. What better source of intimate and exhaustive information about Ruby than this helper of his of eighteen years' standing? Yet there is nothing in the Warren Report to suggest that the Commission ever questioned Howard, much less that it sought to elicit from him anything that might shed light on Ruby's many extracurricular activities.

Crafard's story (as told to the FBI) continues:

'On November 20, 1963, he recalls Ruby coming in at approximately 4:00 or 5:00 in the afternoon and requesting Crafard to go and work at the Club Vegas. Ruby stayed at the Carousel until approximately 6:30 p.m. Andy, the bartender, was there, along with George, Ruby's roommate. At the latter time, Ruby returned to his home and came back to the club at about 8:00 p.m., when he transported Crafard to the Club Vegas. That evening, he called three or four times in regards to the crowd and Mrs. Eva Grant, Ruby's sister, also called in regards to the crowd. At closing time, which was 2:00 a.m., Ruby called and said he would be late as "*the law was at the place*" [italics mine - J. J.] and Little Lynn, one of the strippers, was sick and he had to take care of her. He waited there until approximately 3:45 a.m., at which time Ruby met him and they had breakfast at the Lucas B and B restaurant, next door to the club. On this date, Ruby was accompanied by a girl named Gloria, who did not

work at the club and who was about 22, white female, 5' 6", 125 pounds, blond hair. This girl would be known to "Marge" (Last Name Unknown), waitress at the Carousel. He said that Ruby returned him to the Carousel at approximately 4:30 a.m., on November 21, 1963.

Note what an excellent memory Crafard still has at that time. He can describe a young girl he personally had nothing to do with, down to a 't.'

We now come to the critical period immediately preceding the assassination and to the question — perfunctorily investigated by the Commission at best — of whether Crafard has an alibi for the time of the shooting in Dealey Plaza.

'On November 21, 1963, Ruby called the club to wake him up at about 11:00 a.m., and then came in later in the afternoon, sometime between 12:00 and 3:00. Andy was at the club at this time and he recalled there was a woman, along with her husband, who desired a job. Thereafter Ruby left and later in the afternoon called him again to go to the Vegas as the bartender. At about 7:30 p.m., Ruby picked him up and took him to the Vegas Club, and he did not see Ruby again until approximately 2:30 a.m., after closing, at which time they again had breakfast at the Lucas B and B, returning to the Carousel at about 3:30 or 4:00 a.m.'

And now let us revert to Chapter 3 of the present book in order to read again what District Attorney Wade said in his testimony to the Warren Commission:

'We had a waitress that I think are all familiar with that was out at B & B Café at 3 a.m. on the 22nd who said she served Ruby and Oswald there.'

This is one of the most important among the many inadvertent disclosures in the Warren Commission's Hearings. It has tremendous implications.

A waitress at the B & B Café, next door to the Carousel Club, declares under oath she saw Ruby and Oswald together and served them at 3:00 a.m. on the fateful morning. Yet the District Attorney in charge of investigating the assassination does not even bother to interview her.

Again, I refer to Chapter 3: 'No, I never talked to her but we had the Dallas Police take an affidavit from her and so did the FBI of that which is in all your files. What her name is, I just

know it is a waitress out at the B & B Café. She lived in Mesquite, Tex., and some of my people interviewed her and she told them the same thing she told the FBI.'

If Wade was guilty of criminal negligence in not pursuing the lead furnished to him by this unidentified yet well-known waitress, the Warren Commission did worse. For, since the start of their investigation, the Commissioners had on their hands the FBI report of November 29, 1963, in which Crafard's deposition was recorded. And in that testimony Crafard himself had stated unmistakably that he and Ruby were at the B & B Café, on the morning of the assassination, exactly at the time given by the waitress.

The well established fact that Crafard was there is one premise of what now becomes an inescapable conclusion; the other premise is the no less well-established fact that Lee Harvey Oswald at that hour, on that morning, was sound asleep at the home of Mrs. Ruth Paine in Irving. Oswald, therefore, cannot have been the person the waitress saw and identified as Oswald.

Add to it the 'strong resemblance' between Crafard and Oswald, established by the Commission; the fact that a few days earlier the electronic salesman Robert K. Patterson had seen a man 'resembling Oswald' enter his store in the company of Ruby (see p. 35); and the fact that at least half a dozen persons (Crowe, Rocco, Carlin, Willis, Litchfield, etc.) have testified that they saw 'Oswald' at the Carousel Club during the time Crafard was working there.

Adding it all up, not a shred of doubt can be left. Not only have we established the existence of a False Oswald, but also the even more important fact that this man was Larry Crafard. Ruby's jack-of-all-trades — including murder.

Exit Crafard (in a Hurry)

IN the light of these disturbing revelations, the question of where Crafard was, and what he did on Assassination Day assumes paramount importance.

The FBI report, recording Crafard's own statements, has little to say on this score:

'On November 22, 1963, he said he was awakened by Andy, the bartender, at 11:30 a.m., by way of telephone. He then dropped back to sleep and shortly after noon, Andy came to the club, personally woke him up and stated that the President had been shot.'

Crafard, then, pretends to have slept soundly through the assassination of President Kennedy. His alibi rests solely on his contention that Andy Armstrong had awakened him at the Carousel Club to tell him that the President had been shot.

Let us note, incidentally, that Crafard puts the time at 'shortly after noon,' whereas the assassination took place at 12:30 so that Armstrong cannot possibly have been at the Club with the bad news until about 12:45, or later.

We do not know if Armstrong ever confirmed Crafard's alleged alibi, because the Warren Commission did not investigate the matter. Although Armstrong, by dint of his long service with Ruby alone, should have been subjected to the most intense questioning, as I have pointed out before, the Commission in fact did not ask him one single important question such as whether he actually found Crafard asleep at the Club when he got there after the assassination.

In any event, Armstrong's uncorroborated statement that he had indeed found Crafard asleep at the Carousel would hardly represent convincing evidence. For, as Penn Jones, Jr., the courageous editor of *The Midlothian Mirror* and a local authority of unquestionable value, has stated in his book *Forgive My Grief*, Andy Armstrong is an ex-convict. This fact and Arm-

strong's apparent dependence on Ruby evidently render any statement coming from that source subject to caution.

Now, the question might be asked of me: 'Is there any reason at all why Crafard should be suspected of having been directly involved in the assassination?'

My answer is: 'Yes, and a very strong one at that.'

For the testimony of County Deputy Sheriff Roger D. Craig, of which an extensive account will be found in a subsequent chapter, shows that a young man answering exactly the physical description of Crafard (see below) fled from the assassination scene about fifteen minutes after the shooting. That man looked so much like Oswald that Craig felt positive it was him. But it was not, cannot have been Oswald who at that very moment was on his way home by an entirely different route, as the Warren Commission has established.

To continue with the FBI report: 'He (Crafard) had not heard from Ruby previously that date (Nov. 22) and at about 1:30 p.m. Ruby came into the club and said that the club would be closed that night and the entire weekend. He told Andy to notify the personnel and, thereafter, called the paper and placed an ad to that effect. Crafard said that he was much surprised by this action as the club could not financially stand to be closed and it was strictly his opinion that Ruby did this as a gesture to make good will on behalf of the public. After that, Ruby said that he was going to his sister's home and asked Crafard if he desired to accompany him, which offer was refused.'

'Ruby left the Carousel at about 3:30 p.m., being described by Crafard as "pretty well shaken up." They knew at that time there was an arrest of a suspect, but he cannot recall the name of any person being mentioned; however, the name of Tibbits [sic - J. J.], the policeman, was mentioned and Ruby said he was acquainted with him.'

The 'Tibbits' referred to above is of course Officer J. D. Tippit who allegedly was slain by Oswald but who, from all indications, really was mixed up with Ruby in the conspiracy and was the first of the plotters to be silenced by his fellow-conspirators (I'll deal with this matter exhaustively in another portion of this book).

Turning now again to that other FBI report on Crafard, the one drawn up on August 21, 1964, we read that 'He (Crafard)

does recall the name "Tippit" and recalls that he was in the presence of Ruby at the time the news came over the air concerning the assassination of President Kennedy and the death of Officer Tippit, and at that time Crafard recalls hearing Ruby refer to Tippit by name in a manner indicating to Crafard that Ruby knew Tippit. . . .

Another FBI report from Portland, Oregon, this one dated August 31, 1964, shows that Crafard on August 27 had again been questioned on this subject by two Special Agents, Vern F. Davis and Harold G. Brack, who stated, even more specifically, in this document:

'It is Crafard's definite recollection that he was in the presence of Jack Ruby when the news came over the air concerning the assassination of President Kennedy and the death of Officer J. D. Tippit on November 22, 1963. At that time, Ruby referred to Officer Tippit by his first name or a nickname, neither of which Crafard can recall, and said he knew him quite well. He definitely was referring to the Dallas, Texas, Police Department officer, Tippit, who was shot the day of the assassination. . . .'

Thus, Crafard's deposition before the FBI once more shows up the insincerity of the Warren Report which feigns belief in Ruby's patently false statement that the Tippit he had known was another police officer by that name: 'Some confusion has arisen, however, because early Friday afternoon, November 22, Ruby remarked that he knew the Tippit who had been shot by Oswald. Later Ruby stated that he did not know J. D. Tippit but that his reference was to G. M. Tippit, a member of the special services bureau of the Dallas Police Department who had visited Ruby establishments occasionally in the course of his official duties. . . .'

Ruby, of course, would deny his knowing J. D. Tippit because of the conspiratorial meeting held at the Carousel Club one week before the assassination at which J. D. Tippit and Bernard Weissman, a member of the John Birch Society and the man who had put into the *Dallas Morning News* the infamous black-bordered 'Welcome, Mr. Kennedy' advertisement which appeared hours before the President was slain, were also present. (This matter has been brought to light and fully explained by Mark Lane in his book *Rush to Judgment*.)

We continue with the FBI report on Crafard (11.29.63):

'Upon leaving, Ruby was what Crafard termed being emotionally disturbed. He told Crafard to call Mrs. Grant's home before he went to dinner and upon his return. This was not an ordinary request and Crafard has no knowledge of Ruby's reason.

'Ruby then came back to the club or called Crafard about 7:30 p.m. that evening. He did not discuss the assassination, he did not mention being at the police department or anything else. He just wanted to check in regards to telephone calls. He did not see Ruby again until the next day.

'On Saturday morning, November 23, 1963, at about 5:30 a.m., Ruby called him and told him to meet him downstairs with the Polaroid camera and some film. Ruby was very excited and, in a matter of minutes, a telephone call was received from the fellow at the All Wright Parking Lot, telling him that Jack was there and to hurry up. When he got to the car, George, Ruby's roommate, was also there and they drove out on the Stemmons Freeway, where Ruby showed him a sign "Impeach Earl Warren." On the end of this sign it said for further information write Post Office Box 1744 or a similar number.

'Ruby instructed him to take three pictures of this sign and they then drove to a waffle shop near the Carousel for coffee. Ruby and George were talking about the sign and the Post Office box and they had very little conversation concerning the assassination, Ruby then dropped Crafard off at the club at 6.20 a.m. and said that he and George were going down to the Post Office to look at that Post Office box. Crafard said that he was completely puzzled, as Earl Warren was *unknown to him*. [This is hardly believable. Besides, why didn't he ask Ruby? - J. J.] *This was the last time he saw Jack Ruby.* [My italics - J. J.]

'He also recalled that while being at the waffle shop on Commerce Street, Ruby was reading about Lee Harvey Oswald in the newspapers. He, at this time, did not express any previous knowledge or acquaintance with this individual and he (Crafard) had never, to the best of his knowledge, heard Ruby or anyone else at the club previously mention this name. He said that it seemed odd to him that *Ruby was more excited about the Earl Warren sign than about the assassination.*' (That wasn't odd at all, as we shall see - J. J.)

Ruby's account of his last dealings with Crafard differs from this statement in at least one important respect. Says the

Warren Report: 'Upon leaving the Carousel Club at about 3:15 p.m., Ruby drove to Eva Grant's home but left soon after he arrived, to obtain some weekend food for his sister and himself. He first returned to the Carousel Club and directed Larry Crafard to prepare a sign indicating that the Club would be closed; however, Ruby instructed Crafard not to post the sign until later in the evening to avoid informing his competitors that he would be closed. . . .' Later that afternoon, while again at his sister's home, Ruby, according to the Report, 'phoned Larry Crafard at the Carousel to ask whether he had received any messages.'

In the early morning hours of Saturday, November 23, 1963, there were plenty of mysterious goings-on involving Ruby none of which the Warren Report bothers to explain satisfactorily. As we are here concerned with Crafard, rather than with Ruby, we'll pick up the story of his hectic movements towards the end:

'At about 4:30 a.m., Ruby drove from the *Dallas Times-Herald* to his apartment where he awakened his roommate George Senator. During his visit in the composing room Ruby had expressed the view that the Weissman advertisement was an effort to discredit the Jews. Senator testified that when Ruby returned to the apartment, he began to discuss the Weissman advertisement and also a signboard he had seen in Dallas urging that Chief Justice Earl Warren be impeached. Shortly thereafter, Ruby telephoned Larry Crafard at the Carousel Club. He told Crafard to meet him and Senator at the Nichols Garage adjacent to the Carousel Club and to bring a Polaroid camera kept in the club. After Crafard joined Ruby and Senator, the three men drove to the "Impeach Earl Warren" sign near Hall Avenue and Central Expressway in Dallas. There Ruby instructed Crafard to take three photographs of the billboard. Believing that the sign and the Weissman newspaper ad might somehow be connected, Ruby noted on the back of an envelope a name and post office box number that appeared on the sign. According to George Senator: ". . . I did hear him say, 'This is the work of the John Birch Society or the Communist Party or maybe a combination of both.'"'

It is not clear from this account whether there was any purpose in Ruby's asking Crafard to join him in photographing

that billboard, unless the incident were to mean that Crafard was an expert photographer (as was, by the way, Lee Harvey Oswald, who once even gave photography as his profession when he applied for a passport). Anyway, the three men stayed together and eventually 'drove to a coffee shop where Ruby continued to discuss the two advertisements. After about 30 minutes, they left the coffee shop. Crafard was taken to the Carousel Club; Ruby and Senator returned to their apartment, and Ruby retired at about 6 a.m.'

So far, so good. Ruby, Senator and Crafard appear to be the best of friends and are getting along fine with each other. But then, all of a sudden, everything goes to pieces and Ruby and Crafard part as enemies because of — a row over dogfood. This is the shaggy dog story which the Warren Report now tells.

'At 8 or 8:30 a.m. Crafard, who had been asked to feed Ruby's dogs, telephoned Ruby at his apartment to inquire about food for the animals. Ruby forgot that he had told Crafard he did not plan to go to bed and reprimanded Crafard for waking him. A few hours thereafter Crafard assembled his few belongings, took from the Carousel cash register \$5 of money due him from Ruby, left a receipt and thank-you note, and began hitchhiking to Michigan. Later, that day, Andrew Armstrong found the note and telephoned Ruby. Ruby apparently did not return to bed following Crafard's call. . . .'

Need one say that this story is utterly absurd on the face of it? Whatever Ruby and Crafard talked about when the latter called the former around 8 o'clock, certainly did not concern dog-food. And whatever may have been the reason that prompted Crafard to depart on the spur of the moment, with only a few dollars in his pockets, it certainly wasn't because Ruby had reprimanded him for waking him up. Something very important must have been the subject of their telephone talk as is also apparent from the fact that Ruby, after Crafard called, did not return to bed although he had had only two hours of sleep. Clearly he was worried.

What really went on between Ruby and Crafard that morning after the assassination?

The Warren Report provides no hint, but a careful study of the 'Hearings' supplies a likely answer. Earlier that day — on his trip to the *Dallas Times-Herald* Building, at about 2:30 a.m.,

✓ Ruby, according to the Report, 'stopped for about an hour to speak with Kay Helen Coleman, one of his dancers, and Harry Olsen, a member of the Dallas Police Department, who had hailed him from a parking garage at the corner of Jackson and Field Streets. The couple were crying, and extremely upset over the assassination.'

Touching, isn't it? A tough cop crying with his girl friend in a garage because the President has been killed – and in Dallas of all places. Unfortunately, here again, reality belies the pious fiction spun by the Warren Commission. The Report itself, in the next sentence, reveals that Olsen wasn't all tears and compassion. It says:

✓ 'At one point, according to Ruby, the police officer remarked that "they should cut this guy (Oswald) inch by inch into ribbons," and the dancer said that "in England they would drag him through the streets and would have hung him"' (one wonders where Miss Coleman acquired this knowledge of current British customs – J. J.).

'About 6 weeks after the assassination, Olsen left the Dallas Police Department and married Miss Coleman,' the Report tells us later on. It does not state what the extensive questioning of Olsen by Commission Counsel Arlen Specter reveals, namely, that Olsen, in December, not only left the Police Department but also Dallas. He went away as far as his car would take him, to California, and settled there. Which is why Melvin Belli, Ruby's lawyer during the trial, couldn't find Olsen when he tried to put him on the stand.

In an interview published in the July–August 1964 issue of *FACTS* magazine, Melvin Belli charged that 'the night before the shooting (of Oswald) a Dallas policeman and his girl friend spoke to Ruby, trying to approve the idea of having Oswald lynched.' Belli was then quoted as saying: 'They picked on Ruby because they knew what a weak-minded guy he was. The cop and his girl just disappeared, and I could never locate them, so I didn't mention it at the trial.'

'They' is an obvious reference to the Dallas Police Department. Indeed, all indications are that it was Olsen who conveyed to Ruby – not because he was 'weak-minded' but because he had always been a creature of the Dallas Police – the precise instructions on when, where and how to liquidate Oswald.

Incidentally, the Warren Report, in stating that Ruby spent 'about an hour' in conversing with Olsen and Coleman again erred on the side of understatement, as it usually does when the evidence becomes embarrassing. For the fact of the matter is that Olsen, in reply to a precise question by Specter, 'How long did you talk to Mr. Ruby on this Friday night?' answered, 'Two or three hours.'

Olsen, his testimony reveals, had at least two other meetings with Ruby outside his Carousel Club, one 'a few days or a week' before the Friday night conclave, i.e. shortly *before* the assassination, and the other on Saturday night, at about 10 or 11 p.m., i.e. shortly before the shooting of Oswald.

The questioning of Harry Olsen by Counsel Arlen Specter covers many pages of the 'Hearings' and leaves the impression of an extremely furtive police character, who evades direct answers whenever he can, weasels his way out of all important details and pretends to be afflicted by an unbelievably poor memory. Why, he couldn't even remember if he and Kay Coleman were married in December 1963 or in January 1964, let alone any precise wedding date!

The evidence that Ruby got his marching orders from Olsen is strongly corroborated by the sequel of events. Although the Report breathes no word about it, the 'Hearings' disclose that Ruby, after having been so rudely awakened from his sleep by Crafard's 'dogfood' call, got in touch with the Dallas Police Chief Jesse E. Curry, presumably to get his assignment confirmed. ✓

All of Ruby's movements that day are indicative of a furtive purpose. Upon leaving his apartment some time between noon and 1:30 p.m. – at about the same time Crafard vanished from the Carousel Club – Ruby drove first to the assassination site at Dealey Plaza.

'Ruby related that he inspected the wreaths that had been placed in memory of the President,' the Warren Report informs us, innocently as ever. Actually, Ruby had gone to Dealey Plaza to get a close look at the assassination scene, the evidence concealed in the 'Hearings' reveals (Vol. XXVI, pp. 582–583). According to an FBI report cited there, a Dallas television reporter observed Ruby approaching him 'from the rear of the Texas School Book Depository.' No wreaths had been placed there, but the railroad yards extend to that area.

The Warren Report concedes that Ruby attempted to deceive the Commission about his next move:

'Ruby said that he next drove home and returned downtown to Sol's Turf Bar on Commerce Street. The evidence indicated, however, that sometime after leaving Dealey Plaza, Ruby went to the Nichols Parking Garage [i.e. the same garage where Ruby early that morning, about 5 a.m., had secretly met with Senator and Crafard - J. J.] adjacent to the Carousel Club, where he was seen by Garnett C. Hallmark, general manager of the garage, and Tom Brown, an attendant.

Both Hallmark and Brown testified that they heard Ruby making telephone calls from the garage, but there is a curious discrepancy in time. Brown, the Report says, 'believed that about 1:30 p.m. he heard Ruby mention Chief Curry's name in a telephone conversation from the garage.' (The 'Hearings' are more specific: Vol. XV disclosed that Brown told the FBI that 'he heard Ruby inform the other party to the conversation as to the whereabouts of Chief of Police Curry.') On the other hand, Hallmark, the Report says, 'testified that Ruby drove into the garage at about 3 p.m., walked to the telephone . . . and told Hallmark that he (Ruby) was "acting like a reporter." Hallmark then heard Ruby address someone at the other end of the telephone as "Ken" and caught portions of a conversation concerning the transfer of Oswald [my italics - J. J.]. Hallmark said Ruby never called Oswald by name but used the pronoun "he" and remarked to the recipient of the call, "*you know I'll be there.*"' (Italics added - J. J.)

Further on, the Warren Report states: 'Ruby's comment that he was "acting like a reporter" and that he would be at the Oswald transfer suggests that Ruby may have spent part of Saturday afternoon shuttling back and forth from the Police and Courts Building to Dealey Plaza. Such activity would explain the fact that Tom Brown at the Nichols Garage believed he saw Ruby at 1:30 p.m. while Garnett Hallmark placed Ruby at the garage at 3 p.m. . . . The testimony of five news reporters supports the possibility that Ruby was at the Police and Courts Building Saturday afternoon. . . .'

Once more, the Commission here puts an innocent face on Ruby's activities by accepting his word that he was 'acting like a reporter' (for which news media? - J. J.). A more realistic and

plausible interpretation of the facts, as presented in the Report and the 'Hearings,' would be that Ruby, on that Saturday afternoon, shuttled back and forth between Police Headquarters, Dealey Plaza and the Nichols Garage busily preparing for his assignment to kill Oswald the next day. His reference to Curry in the phone call from the garage, coupled with his visit to the Police and Courts Building, suggests that he secretly conferred with the top police brass to get details about Oswald's transfer and how to go about silencing the manacled victim quickly and for ever. To cover up for his frantic round of phone calls and his dash to police headquarters, Ruby invented the patently false story that he was 'acting like a reporter.'

Summing up, then, a strong chain of circumstantial evidence indicates that Ruby (a) got his assignment to shoot Oswald from Harry Olsen of the Dallas Police at about 3 a.m. on the morning of Saturday, November 23; (b) communicated his intention to kill Oswald to his associates Crafard and Senator at their 5 a.m. meeting; (c) was aroused from his sleep at 8 a.m. by Crafard objecting to the plan, asking for money and announcing his intention to leave Dallas, a violent quarrel ensuing between the two men; (d) spent the rest of the day getting ready for the job and covering up his tracks in so far as they might lead to police headquarters.

Why should Crafard have opposed the plan to kill Oswald while in police custody? The reasons are self-evident. Such a course of action was bound to bring 'the heat' on, and cause the spotlight of publicity to be turned on anyone closely associated with Ruby. It was inevitable, then, that in the process Crafard's uncanny resemblance to Oswald would be detected and embarrassing questions would be asked. From Crafard's viewpoint, it would have been a far less risky course to have Oswald properly - or in an ostensibly lawful manner, anyway - tried and convicted in court and then executed. Had he not, as The False Oswald, accumulated in advance a mountain of evidence tending to incriminate Oswald (for details, see the following chapters) which would have made the death sentence practically certain? Indeed, Crafard must have been quite bitter about so much wasted effort and ingenuity.

But then somebody in high places decided that it wouldn't be safe to try Oswald after all: that it would be better to silence

him without the ever risky court proceedings. Ruby, the tool, had no choice but to accept this verdict and operate accordingly. But to Crafard such action must have appeared as being full of risks to his own safety. That's why he suddenly made up his mind to shake the Dallas dust off his feet in a hurry and seek a safe haven in Michigan.

This is the only logical explanation of Crafard's improvised departure from Dallas about noon, November 23. The Warren Commission was hard put to it trying to account for it in a different way as this tortured passage from the Report shows:

'Examination of Larry Crafard's sudden departure from Dallas shortly before noon on November 23 *does not suggest that Ruby was involved in a conspiracy*. To be sure, Crafard started hitchhiking to Michigan, where members of his family lived, with only \$7 in his pocket. *He made no attempt to communicate with law enforcement officials after Oswald's death*; and a relative in Michigan recalled that Crafard spoke very little of his association with Ruby. When finally located by the FBI 6 days later, he stated that he left Ruby's employ because he did not wish to be subjected to further verbal abuse by Ruby and that he went north to see his sister, from whom he had not heard in some time.'

It should be mentioned here that Crafard's name was never mentioned in any of the spate of newspaper stories published after the assassination. While everybody else among Ruby's associates and personnel became 'hot copy' for the press—some of his strippers enjoyed worldwide publicity—nobody outside of Ruby's inner circle, plus police and FBI, even knew of Crafard's existence until the Warren Report came out. His association with Ruby, and especially his resemblance to Oswald, remained the best-kept secret of the year-long investigation of the Kennedy murder. And even after the Warren Report had discreetly disclosed Crafard's existence and close connection with Ruby, the press failed to display the slightest curiosity in this intriguing personage.

Why, then, did the Warren Report mention him at all? Dozens of people far more obviously connected with the Dallas tragedy of November 22–24 escaped notice by the Commission or were not found worthy of mention in its pages. Why wasn't

Crafard dropped out of the picture just as silently and efficiently?

Conversely, why does the Warren Report specifically make the point that, in the eyes of the Commission, Crafard's sudden departure from Dallas 'does not suggest that Ruby was involved in a conspiracy?' Who in the press and public had ever suggested that this might be the case? Is this a Freudian slip on the part of the Commission, or else a precaution taken by them against the possibility of future disclosures concerning Crafard's role—and looks?

I incline to the latter view and I also believe that the FBI's six-day manhunt for Crafard was intended not to find out what he had been up to, but to put him under wraps and keep him there. Crafard's examination by counsel for the Commission was conducted in deepest secrecy and, after that, he again has vanished from sight, completely.

The very emphasis the Commission uses in whitewashing Crafard is suspect. It answers questions no one had ever asked. It elaborately rebuts allegations that were never made. It assures the world that the young fellow did nothing wrong, when nobody ever even hinted that he might have been guilty of anything. (Ruby didn't even complain about the five dollars missing from his cash register.)

Thus the Commission, as it were, wages preventive war against an unseen enemy, presumably against future historians who might somehow stumble on Crafard's trail. This solicitude also appears in the following sentence:

'An investigation of Crafard's *unusual* behaviour confirms that his departure from Dallas was *innocent*.' (Italics added—J. J.)

Who said his behaviour was unusual? Who said his departure suggested guilt?

'After Oswald was shot,' the Warren Report goes on to say, 'FBI agents obtained from the Carousel Club an unmailed letter drafted by Crafard to a relative in Michigan at least a week before the assassination. The letter revealed that he was considering leaving Dallas at that time.'

The Commission is inexcusably naïve if it really believes that this draft letter constitutes an alibi for Crafard. How does the Commission, how does the FBI know that the unmailed letter

was really drafted at least a week earlier? Because the date on it says so? Wouldn't it be an obvious dodge by Crafard, trying to cover up his tracks, to write such a note, predated, and leave it some place where it could be easily found? The same goes for the next sentence in the Report:

'On November 17, Crafard, who had been receiving only room, board and incidental expenses, told Ruby he wanted to stop working for him; however, Crafard agreed to remain when Ruby promised a salary.'

The Report does not state the source of this information. It gives no hint that Ruby was ever questioned at all about his relationship with Crafard. If the latter is the sole authority for the statement that he had told Ruby on November 17 he wanted to stop working for him, that information is practically worthless, for Crafard had an evident interest in making all his moves appear as innocent as possible.

'Then on the morning of November 23, Ruby and Crafard had a *minor altercation* [my italics—J. J.] over the telephone,' the Report continues. Although Crafard did not voluntarily make known to the authorities his associations with Ruby [in other words, he attempted to hide them—J. J.], he spoke freely and with verifiable accuracy when questioned. . . . After this fatherly pat on the back, there follows another of those weirdly implausible psychological explanations the Warren Report is studded with:

'Although Crafard's peremptory decision to leave Dallas might be unusual for most persons, such behaviour does not appear to have been uncommon for him [Here follows the passage already quoted above: 'His family residence,' etc.]. Against such a background, it is most probable that the factors motivating Crafard's departure from Dallas on November 23 were dissatisfaction with his existence in Ruby's employ, which he had never considered more than temporary, Ruby's decision to close his clubs for three days, the argument on Saturday morning, and his own desire to see his relatives in Michigan.'

All the Commission overlooks in this recital of Crafard's reasons is his concern about the lack of dogfood at Ruby's place.

'There is no evidence to suggest any connection between Crafard's departure and the assassination of the President or the

shooting of Oswald,' the Commission proclaims, with a final tilt at the windmills.

We'll see if there isn't.

Description of Crafard

(From the FBI report of Nov. 29, 1963)

Name :	Curtis La Verne Crafard	Sister :	Alice Crafard, Dallas, Oregon
Aliases :	Curtis LaVerne Crafard, Larry, C.L., Smoky	Brother :	Edward Crafard, U.S. Army, Los Angeles, California
Race :	White	Military Service :	US Army RA 1962841
Sex :	Male		September 18, 1958, to November 10, 1959; general discharge under honorable conditions, not eligible for re-enlistment; discharged per AR-635-200-STN 264
Age :	22	Arrests :	Police Department, Findlay, Ohio, 1961, taking a minor across a State Line, no prosecution; Police Department, Dallas, Oregon, January, 1963, drunk and disorderly, fined \$25.00 and three days
Born :	March 10, 1941, Farwell, Michigan		
Height :	5' 8"		
Weight :	150 pounds		
Hair :	Brown		
Eyes :	Brown		
Complexion :	Medium		
Scars :	1" scar calf of right leg; ½" scar center of upper lip		
Tattoos :	None		
Education :	11 ½ grades		
Occupation :	Laborer and carnival worker		
Social Security Number :	511-56-9651	Marital status :	Separated
Parents :	Hugh and Alice Crafard 1219 Birch Street Dallas, Oregon	Wife :	Wilma Jean Teanney Crafard
Sister :	Corabelle Ingersoll, Bellaire, Michigan	Son :	Robert Gerald Crafard, born March 1, 1963, Dallas, Texas
Sister :	Norma Neal, age 18 Dallas, Oregon		

The Framing of Lee H. Oswald

THE frame-up, well planned in advance, of Lee Harvey Oswald for the assassination of President Kennedy, in which his only role was that of sacrificial scapegoat, cries out from every page of the Warren Report, and, even more loudly, from every line of the 'Hearings.'

As a matter of fact, even though there were no other evidence of Oswald's innocence—of which there is plenty—the demonstrable fact that an impostor, who fooled countless people by impersonating Oswald on numerous occasions, scattered incriminating clues against Lee Harvey far and wide, weeks before the Presidential visit to Dallas, would of itself constitute such proof.

The Warren Commission resolutely refused to consider the mere possibility that Oswald might have been framed because it would not depart for one moment from its set purpose of proving to the world that there was no conspiracy. For, it stands to reason that a frame-up, i.e. the planting of simulated clues that would incriminate Oswald at the hour of trial, would make no sense unless it were part of a conspiracy to kill the President.

The very existence of a False Oswald, therefore, was taboo for the Commission, although they constantly crossed his tracks in their investigation and a number of times almost fell over him.

In looking around for a potential scapegoat, the plotters required of him first that he must have a background as a Communist. That was a condition *sine qua non*, for the conspiracy against Kennedy being the work of right-wing elements—Texas conservatives, oilmen, retired generals, members of the John Birch Society, Ku Kluxers, White Russians, anti-Castro Cubans and assorted intelligence agents—the fall guy had to belong, ostensibly, to the opposite camp. That's an elementary rule of political warfare.

Oswald admirably filled the bill. He had, several years earlier, 'defected' to the Soviet Union, or so it could be proved against him. Actually, Oswald had been sent to Russia on a mission for the Central Intelligence Agency and had been manipulated, throughout his stay in that country, and in everything he did, by the CIA and the American Embassy in Moscow. However, he would have been hard put to it proving that at his trial, for in intelligence work things are always arranged in such a manner that the hapless undercover agent cannot prove anything against his spymasters.

Upon his return to the United States, Oswald, disgruntled and penniless, had accepted to work as a stool pigeon and agent provocateur for the FBI. He had been recruited for this service in September 1962, was given the informant number S-179 and was paid 200 dollars a month by the FBI. No less an authority than Congressman Gerald R. Ford, a member of the Warren Commission, was first to reveal these tell-tale details in his book *Portrait of the Assassin*. The Commission, startled by this devastating information which it had received from no less an important source than Texas' Attorney General Waggoner Carr, was content to 'disprove' it by putting into the record a formal denial by J. Edgar Hoover, director of the FBI.

I cannot go here into details of the evidence that Oswald was a purely synthetic, make-believe 'Red', operated on double strings by the CIA and the FBI. I have already dealt with this matter succinctly in my book *Oswald: Assassin or Fall Guy?*, first published before the Warren Report came out, and I have done so again, at far greater length, in my German-language book *Die Wahrheit über den Kennedy-Mord*. I shall do so again, exhaustively, or as nearly as it is possible to do so under present conditions, in the companion volume to this work.

Oswald, having accepted to play the role of a Red for years, found himself trapped in a web of his own making from which there was no escape. His loud proclamations of militant marxism convicted him, in the public eye, in spite of their stridently false note; the pictures for which he had posed while on the FBI payroll, and which made him appear as a world revolutionary warrior armed to the teeth were taken at face value by an uninformed public.

Significantly, the Dallas Police and District Attorney, when-

ever their case against Oswald was challenged, replied triumphantly, 'But he has admitted being a Communist!'

Oswald had not admitted being a Communist; he had posed as one—that is not the same thing. But even though he really had admitted being one, that still wouldn't make him the murderer of President Kennedy. The Dallas authorities, however, handled his case as though being an admitted Communist was tantamount to being a confessed assassin—and there were no protests from the press or public.

This, then, was the first prerequisite of a successful frame-up; Oswald ideally filled the bill.

The next step was to place the alleged assassin-to-be in a position where he could be made to look like the sniper who had fired at the Presidential motorcade. By that time, the conspirators had already selected the ambush site, Dealey Plaza, which offered excellent opportunity of a cross-fire, one sniper shooting from the area of the railroad yards, the other from the towering Texas School Book Depository.

The master plan, therefore, called for bringing Lee Harvey Oswald and the TSBD together without attracting notice. This job fell to Mrs. Ruth Paine, the false Samaritan who pretended to be a friend in need to the Oswalds while leading Lee Harvey straight to his ruin.

To be sure, the Warren Report, as always, sought to present the matter in a most innocent light:

'Oswald's presence as an employee in the Texas School Book Depository Building,' it states in Chapter VI, 'was the result of a series of happenings unrelated to the President's trip to Dallas. He obtained the Depository job after almost two weeks of job hunting which began immediately upon his arrival in Dallas from Mexico on October 3, 1963. . . . In attempting to procure work, Oswald utilized normal channels, including the Texas Employment Commission.'

In the following paragraph of the Report we learn that Oswald's first try on October 4, when he applied for a job with Padgett Printing Corporation, failed because of an adverse recommendation passed on to this firm by a former employer: 'Has Communistic tendencies.' Then the Report states:

'Oswald's employment with the Texas School Book Depository came about through a *chance conversation* on Monday,

October 14, between Ruth Paine, with whom his family was staying while Oswald was living in a roominghouse in Dallas, and two of Mrs. Paine's neighbours. During a morning conversation over coffee, at which Marina Oswald was present, Oswald's search for employment was mentioned. The neighbours suggested several places where Oswald might apply for work. One of the neighbours present, Linnie Mae Randle, said that her brother had recently been hired as a schoolbook order filler at the Texas School Book Depository and she thought the Depository might need additional help. She testified, "and of course you know just being neighbourly and everything, we felt sorry for Marina because her baby was due right away as we understood it, and he didn't have any work. . . ."

No doubt, that sounds fairly convincing. If there were no other indications of trickery, there would be no need to explore the matter further. Chance does play a role in history, though hardly so often in succession, nor on so massive a scale as the Warren Commission would have us believe in its version of the Kennedy assassination.

In view of the dozens of facts, however, which clearly point to a deliberate frame-up of Oswald—some of them have already been discussed in previous chapters, many more will be found in the succeeding ones—there are good grounds for not taking the above-described episode at face value.

Suppose Mrs. Paine did *arrange* things that way? If she had instructions to procure a job for Oswald at the TSBD, she evidently would seek to cover her retreat in case something went wrong. What if the plot to murder the President failed and the conspirators were arrested. In that case, Mrs. Paine would have been in deep trouble if it could be proven against her that she had sought to place Oswald overtly and in a suspicious manner in the building from which the shots were to be fired. It had to be done surreptitiously, therefore.

Mrs. Paine's background as a college student and teacher shows that she is an intelligent and clever woman. She knew Mrs. Linnie Mae Randle and her other neighbours well. She had undoubtedly heard of the fact that Mrs. Randle's brother, young Buell Wesley Frazier, was working at the Book Depository. Under the circumstances, it would have been easy for her to arrange a conversation in which several neighbours would take

part, and in the course of which several suggestions of possible employment for Oswald would be made, so as to make the TSBD proposal look casual and innocent.

Other circumstances warrant suspicion. Linnie Mae Randle and Buell Wesley Frazier later were to become two of the Commission's star witnesses against Oswald. They were the only witnesses who testified that Oswald, on the morning of November 22, carried on the way to his place of work a brown paper package which the Commission claims contained a disassembled rifle. Frazier, moreover, was the only witness who asserted that he had actually seen Oswald take that package into the building—a most damaging testimony that was disputed by a fellow employee, Jack Dougherty, who also saw Oswald enter the TSBD but did not observe anything in his hand.

It is true that Mrs. Randle and her brother were not at all fully cooperative witnesses. Both strongly disputed the Commission's contention that the bag Oswald was carrying must have been thirty-eight inches long, the minimum length required to hold a disassembled Carcano rifle. Frazier and his sister concordantly estimated the length of the bag at twenty-seven to twenty-eight inches, which would have completely ruled out the possibility of a rifle hidden in it (Oswald himself claimed that the package which he had actually placed in the rear of Frazier's car, with whom he drove from Irving to their common place of work—but which he did not necessarily carry into the building—contained curtain rods). The Commission, in the absence of any corroborating evidence, arbitrarily concluded that Frazier and his sister must have been mistaken.

In view of their conflicting statements—some of them helped the official case against Oswald, while others hindered it—it is not possible, at this time, to assess the actions of Mrs. Randle and Mr. Frazier with any degree of finality. But certainly their part in helping to procure the Depository job for Oswald should have been thoroughly investigated by the Commission, which instead simply relied on Mrs. Randle's assurance that it was all done in a neighborly spirit and to help the expectant mother Marina.

As far as Mrs. Paine is concerned, several of her subsequent actions strongly heighten the suspicion that her purpose was far from innocent when she steered Oswald towards what was

to become the 'ambush building chosen with care' (as a *New York Times* headline described it after the assassination).

First this paragraph from the Warren Report:

'When Marina Oswald and Mrs. Paine returned home [from the morning conversation over coffee with the neighbors on October 14—J. J.] Mrs. Paine promptly telephoned the Texas School Book Depository and spoke to Superintendent Roy Truly, whom she did not know. Truly agreed to interview Oswald, who at the time was in Dallas seeking employment. When Oswald called that evening, Mrs. Paine told him of her conversation with Truly. The next morning Oswald went to the Texas School Book Depository where he was interviewed and hired for the position of order filler.'

What this passage of the Warren Report does not bring out at all is the *urgency* Mrs. Paine put into her good offices. She did not just call up Truly to inquire about job possibilities, but *warmly recommended* Oswald to the Superintendent.

'She said she had a fine young man and his wife living at her home,' Truly later told a reporter. 'She said the wife was expecting a baby and that the husband really needed work.'

In its next paragraph, the Warren Report relates an incident which all by itself should have been enough to alert the investigators to the possibilities of false play:

'On the same date [i.e. October 15—J. J.] the Texas Employment Commission attempted to refer Oswald to an airline company which was looking for baggage and cargo handlers at a salary which was \$100 *per month higher* than that offered by the Depository Co. The Employment Commission tried to advise Oswald of this job at 10:30 a.m. on October 16, 1963. Since the records of the Commission indicate that Oswald was then working, it seems clear that Oswald was hired by the Depository Co. *before the higher paying job was available. It is unlikely that he ever learned of this second opportunity.*' (Italics added—J. J.)

Read that message again and let its implications sink in deeply.

The course of world history would have been changed if Lee Harvey Oswald had learned in time that a job paying \$100 a month more than the one Mrs. Paine had procured for him at the TSBD was waiting for him at the baggage room of an airline company—far away from the route of the Presidential motorcade.

BAGGAGE

This startling realization must have come to the minds of the members of the Warren Commission, too. And, with it, another thought must have presented itself to them automatically:

Why didn't Oswald learn of this second—and better—job opportunity? Who prevented him from a chance of making a hundred dollars a month more than he would get at the TSBD—and for what reason?

The Warren Commission carefully refrained from even looking into this explosive matter. There is not a word more about it in the Report than has been quoted above. The reason for this discretion is self-evident. Once again, the Commission was getting uncomfortably close to irrefutable evidence of conspiracy.

Consider the situation. It is October 15, 1963, and Oswald has just been hired as an order filler at the TSBD, at the modest salary of \$1.25 an hour, forty hours a week. He is to start the work the next morning, i.e. October 16. (Truly is quite specific about it: 'He came in on the 15th and I talked to him. . . . I hired him and told him to report to work the next day.')

At this time, Oswald was living in a rented room at Mrs. Johnson's boarding-house, at 1026 North Beckley Avenue, where he had moved in on Monday, October 14—the day Mrs. Paine procured a job for him at the TSBD. 'When Oswald telephoned the Paine house on Monday evening, Mrs. Paine told him about this possibility,' the Warren Report states.

At the rooming-house, Oswald had registered under the cover name of O. H. Lee. No one there knew his real identity. Therefore, when the Texas Employment Commission, as the Report states, on October 15, 'attempted to refer Oswald to an airline company,' *it must have sought to contact Oswald at Mrs. Paine's home*. There is no other possibility. He had no other address, at the time, than that of Mrs. Paine in Irving, where his wife and child were staying. And he had not yet begun working at the Depository where, incidentally, Oswald's only known address was also that of Mrs. Paine.

It is self-evident, then, that the Employment Commission attempted to reach Oswald at Mrs. Paine's house, even twice. For the Warren Report tells us that the Employment Commission 'tried to advise Oswald of this job at 10:30 a.m. on October 16, 1963.' The precise hour given indicates that somebody from

~~the Employment Commission telephoned and that can have been only to the Paine house.~~ (The rooming-house on North Beckley, where Oswald stayed, also had a telephone, but, since Lee Harvey there was staying under the cover name of O. H. Lee, he cannot have received there any communication from the Employment Commission.)

Possibly the wording of the Warren Report is inaccurate and the attempt to inform Oswald of the job opportunity available to him was made only once, not twice. Even in that case, it is perfectly clear that this attempt was foiled by Mrs. Paine. Only she can have been the recipient of the phone call from the Employment Commission at 10:30 a.m. on October 16, and she knew where to reach Oswald—at the Book Depository. In any event, he came out to her home again a few days later. 'On Friday, October 18, Frazier drove him home from work to the Paine home;' the Commission reports, 'since it was his birthday, Marina and Ruth Paine had arranged a small celebration.'

She arranged a birthday celebration for him, but she withheld from him the good news that there was a job waiting for him where he could make much more money than at the TSBD. Remember, 'it is unlikely that he ever learned of this second opportunity.'

Why did Mrs. Paine withhold from Oswald the message she had received from the Texas Employment Commission? There is only one possible answer to that question: *because she wanted him to work at the Book Depository.*

All of these things must have occurred, to some members of the Warren Commission, or at least to some members of its staff, composed as it was of a flock of trained lawyers who normally keep their eyes just on such tell-tale omissions as in this case.

Why, then, did the Commission fail to grill Mrs. Paine thoroughly about this matter? Why did it fail to subpoena the records of the Texas Employment Commission and call upon the person who had handled this case to testify in detail how the approach to Oswald was made and why the latter never learned of a job opportunity acceptance of which might have saved the life of the President? (Not that I admit implicitly here that Oswald was the assassin; rather, I mean that failure of their attempt to place the predestined fall guy into the ambush build-

ing chosen with care would have set the plotters back in an important respect and might have caused them to drop their plan altogether.)

Again, there is only one answer. The Commission closed its eyes and ears because evidence of conspiracy was crowding in on them. And so one of the most revealing episodes of the Oswald story went overboard unnoticed.

In her testimony before the Warren Commission, Mrs. Paine asserted she did not know that Oswald worked in the building on Elm Street from which the shots were fired, the 'Hearings' disclose. She said she thought Oswald was employed in the Book Depository warehouse which is located in another building, several blocks away from the assassination scene and actually told the Commission:

'The first I realized that there was a building on Elm was when I heard on the television on the morning of the 22nd of November that a shot had been fired from such a building.'

This is a transparent subterfuge which only attests to Mrs. Paine's guilty conscience.

For, in the first place, Roy Truly's office is in the building on Elm Street, not in the warehouse annex. When the Superintendent, at Mrs. Paine's request, had agreed to interview Oswald, he must have told her where the young man should go for that purpose—if she really wasn't aware of the location. How else would Oswald have known where to apply?

Secondly, the Texas School Book Depository is one of the most conspicuous buildings in all of Dallas, with a big sign across its portal. It is inconceivable that Mrs. Paine, a long-time resident of Dallas, should have been unaware of its existence, the more so as the building is located in an area through which a visitor from Irving would have to pass when going to the city.

And, thirdly, there is the famous case of the 'assassination map' which clearly demonstrates the lack of truth in her statement that she didn't know about the building on Elm Street. After Oswald had been arrested, the Dallas Police and District Attorney Henry Wade announced with great fanfare that they had found in his room 'a map of Dallas bearing the penciled route of the motorcade, with the assassination site marked and a bullet trajectory from the building.'

I have already exposed the complete phoney-ness of this piece

of 'evidence that backfired' and Mrs. Paine's connection with it in my book *Oswald: Assassin or Fall Guy?*, which the Commission studied carefully before it wrote the final version of its Report. The Commission could not but agree that the sinister significance of the map found in Oswald's room was a pure invention of the Dallas authorities; listing a number of 'errors' committed by the police, the Report states, 'It was also reported that the map found in Oswald's room contained a marked route of the Presidential motorcade when it actually contained markings of places where Oswald may have applied for jobs, including, of course, the Texas School Book Depository.'

And a few paragraphs further down, the Warren Report says of the District Attorney: 'Wade also repeated the error about Oswald having a map marked with the route of the motorcade.'

Now, there was one person that knew all along that the map in question did not represent the kind of incriminating evidence the Dallas authorities made it appear to be and who, therefore, could have corrected the 'error' at a time when this still might have helped Oswald fighting to clear himself, and that was Mrs. Ruth Paine. For, in a UPI dispatch from Irving, dated January 9, 1964, Mrs. Paine was quoted as saying that she herself had given this map to Oswald and had seen him mark off on it the places where he was going to apply for jobs.

In *Oswald: Assassin or Fall Guy?*, which was first published in June 1964, I had asked pointedly these questions:

'Why didn't she (Mrs. Paine) tell the world—or at least the authorities—promptly after Oswald's arrest that the young man had not applied for a job at the Book Depository on his own initiative but had been *steered* toward it?

'Why didn't Mrs. Paine reveal right away that she had not only advised Lee Harvey to go to the Book Depository, but that she actually had *procured* the job for him by personally calling up Mr. Truly and recommending Oswald to him?

'If Mrs. Paine had done so—and was it not her elementary duty to do so under the circumstances?—the accusations directed against Oswald would have appeared in a quite different light. The public, then, would have realized that there could have been no sinister design in Oswald's application for work at the Book Depository. . . .

'Why didn't Mrs. Paine protest publicly and immediately

against the wrongful interpretation of the marked map by the police and Mr. Wade, an interpretation used to crucify Oswald—if such can be done post mortem—in the court of public opinion?’

Mrs. Paine never answered any of those questions out of her own free will and the Commission regrettably did not compel her to answer them either, although they are manifestly of public interest. Nor did the Commission ask her how her admission that she had given Oswald the map which he used to find his way to Mr. Truly's office could be reconciled with her sworn statement that she did not know the location of the Book Depository on Elm Street until after the assassination. Or how the fact that it was she who tipped off the FBI to Oswald's presence in the TSBD weeks before the tragedy could be reconciled with it.

I believe that Mrs. Paine, for one, will have a lot to answer for some day.

Getting Oswald into the Book Depository as an order filler not only provided the plotters with an excellent chance to throw the blame for the assassination on somebody else, but it also helped them mightily in another respect. For, one of Oswald's principal duties was to carry cartons filled with books from one place to another, from one floor to the next. In the process, he naturally left his finger- and palm-prints on many boxes, big or small. As a result, it was easy for the Dallas police, after the deed, to prove that Oswald's prints were on some of the cartons that had been formed into a sniper's nest near the sixth-floor window of the TSBD.*

Getting Oswald into the 'ambush building chosen with care' and putting him in a position where he would leave plenty of incriminating fingerprints all over the place was one of the two major operations of the frame-up.

The other was designed to make it appear that Oswald, after Kennedy's intention to visit Dallas had become known, procured a telescopic sight for his rifle so he could shoot with accuracy from the sixth floor window; that he engaged in target firing practice regularly and assiduously, and that he proved

* This matter, including the way the Dallas police brazenly tampered with the evidence to make Oswald look guilty, is dealt with in detail in Part II of the present work, *The Case Against the Dallas Police*.

himself an excellent marksman; that he expected shortly to receive a substantial sum of money which he intended to use for the purchase of furniture and of an automobile; and that he had let it be known, among friends, that in his view Kennedy deserved to be killed.

To plant these false clues, one by one, in the weeks immediately preceding the assassination, was the job assigned to The False Oswald. We now watch him in action.

A Gun Scope for the False Oswald

(The Dial Ryder Affair)

IN the first two weeks of November, 1963, someone, or more likely a group of people, staged in and around Dallas at least four incriminating episodes which are related in considerable detail in Chapter VI of the Warren Report under the nondescript heading of 'Investigation of Other Activities.'

To all appearances, these four episodes have nothing in common and they have all been treated nonchalantly by the Commission. On closer inspection, however, a clear-cut pattern emerges, for in all four of these episodes there figures a person who either looks very much like Oswald or calls himself Oswald, or both, although it has been established beyond doubt, by the Commission itself, that in each case the real Lee Harvey Oswald was not involved.

About the first of these incidents, the Warren Report has this to say:

'The Commission has investigated a report that, during the first 2 weeks of November 1963, Oswald had a telescopic sight mounted and sighted on a rifle at a sporting goods store in Irving, Texas. The main evidence that Oswald had such work performed for him is an undated repair tag bearing the name 'Oswald' from the Irving Sports Shop in Irving, Tex. On November 25, 1963, Dial R. Ryder, an employee of the Irving Sports Shop, presented this tag to agents of the FBI, claiming that the tag was in his handwriting. The undated tag indicated that three holes had been drilled in an unspecified type of rifle and a telescopic sight had been mounted on the rifle and bore-sighted.'

'As discussed in Chapter IV, the telescopic sight on the C 2766 Mannlicher-Carcano rifle was already mounted when shipped to Oswald, and both Ryder and his employer, Charles W. Greener, feel certain that they never did any work on this rifle.'

If the repair tag actually represented a transaction involving Lee Harvey Oswald, therefore, it would mean that Oswald owned another rifle. Although this would not alter the evidence which establishes Oswald's ownership of the rifle used to assassinate President Kennedy, the possession of a second rifle warranted investigation because it would indicate that a possibly important part of Oswald's life had not been uncovered. . . .'

Let us pause for a moment to take a close look at this specious argument. It again bespeaks the Commission's unflagging determination to look only for confirmation of Oswald's guilt and never even to probe in a different direction. The Report discusses this telltale incident solely from the angle 'Ownership of a Second Rifle,' which is the subhead of this portion of the Report. It *a priori* eliminates the possibility that someone out to frame Oswald, and who perhaps did not realize that Lee Harvey's rifle came equipped with a telescopic sight, or who doubted that this could be proved in court (or, again, who anticipated correctly that there never would be a trial) might have deliberately staged this episode in order to plant an incriminating clue of the first magnitude against Oswald, well before the assassination.

I have always considered this repair tag as *prima facie* evidence of a plot to throw the blame on Oswald for the crime that was about to be committed by others and I pointed this out in no uncertain terms in *Oswald: Assassin or Fall Guy?* As a matter of fact, I had a whole chapter ('The Irving Gunsmith and The Phantom Sight') on this subject in that book, which came out several months before the Warren Commission completed its report. The Commission, therefore, does not have the excuse that this particular interpretation of a seemingly inexplicable event just never occurred to them. Rather, their way of dealing with the matter proves that they blandly chose to dismiss the possibility of frame-up, even though they were well aware of it. Look at the misleading manner in which Charles W. Greener, Ryder's boss (who had explicitly stated his complete faith in the integrity of his employee of six years' standing), was briefed by Counsel for the Commission on how the matter could possibly be explained (Vol. XI, p. 245 ff.):

'As we discussed briefly off the record before we started, it One, in view of the fact that Mr. Ryder is quite clear in his own reversed appears that there are three possibilities concerning this tag. 2 lines!

mind that he never worked on an Italian rifle similar to the one that was found in the Texas School Book Depository, we can conclude either that the Oswald on the tag was Lee Oswald and he brought a different rifle in here, or it was a different Oswald who brought another rifle in here, or that the tag is not a genuine tag, and that there never was a man who came in here with any gun at all.'

By 'a different Oswald' the Commission did not mean somebody impersonating Lee Harvey Oswald. Rather its reference is to the remote possibility that another person actually bearing that name might have had the telescopic-mounting job on his rifle done at precisely that shop in the immediate neighborhood of Mrs. Paine's home, where Lee Harvey's family was staying at the time. This contingency, however, had to be ruled out, for the Commission states explicitly in its Report that 'No other person by the name of Oswald in the Dallas-Fort Worth area has been found who had a rifle repaired at the Irving Sports Shop.'

In this dilemma, the Commission, staunchly determined not to concede the only real alternative—that of a planned frame-up—plumped for the easiest and unfairest way out by casting doubt on the credibility of the witness. This has been, of course, one of its favourite tactics all along when faced with unpalatable testimony, but in this particular instance it was particularly unfair. For, it amounted to an indirect indictment for perjury and forgery of a man who had been described by his boss as 'a good, steady, reliable employee' who had never been known to do anything wrong. The Warren Report nevertheless takes Ryder to task:

'Investigation has revealed that the authenticity of the repair tag bearing Oswald's name is indeed subject to grave doubts. Ryder testified that he found the repair tag while cleaning his workbench on November 23, 1963. However, Ryder spoke with Greener repeatedly during the period between November 22-28 and, sometime prior to November 25, he discussed with him the possibility that Oswald had been in the store. Neither he nor Greener could remember that he had been.'

This is precisely the point. Neither Ryder nor Greener could remember Oswald because the man who had ordered the job was somebody else. Does that prove that the tag was false?

PLUMPED? VV

The Report then goes on to impugn Ryder's behaviour:

'But despite these conversations with Greener, it is significant that Ryder never called the repair tag to his employer's attention. Greener did not learn about the tag until November 28, when he was called by TV reporters after the story had appeared in the *Dallas Times-Herald*. The peculiarity of Ryder's silence is compounded by the fact that, when speaking to the FBI on November 25, Ryder fixed the period during which the tag had been issued as November 1-14, 1963, yet, from his later testimony, it appears that he did so on the basis that it must have occurred when Greener was on vacation since Greener did not remember the transaction. Moreover the FBI had been directed to the Irving Sports Shop by anonymous telephone calls received by its Dallas office and by a local television station. The anonymous male who telephoned the Bureau attributed his information to an unidentified sack boy at a specified supermarket in Irving, but investigation has failed to verify this source.'

This sounds almost like a cock-and-bull story. What has the unidentified sack boy got to do with it? Where does his knowledge of the transaction come from? Only Ryder and the man who had ordered the repair job could have known about it. And Oswald—the real Lee Harvey Oswald—was dead by the time the FBI received that telephone call at 6:30 p.m. on November 24, 1963 (time disclosed by an FBI memorandum to the Commission). Ryder, for his part, has steadfastly denied that he had made that anonymous phone call to the FBI, or told any sack boy about the matter.

Who, then, could have advised the FBI and the television station and who had an interest in giving out this information at a time when the use of the name 'Oswald' in this transaction could no longer be challenged by the rightful bearer of that name? Who else but The False Oswald or his taskmaster and accomplice?

As for the Commission's derogatory remarks about Ryder's 'peculiar' behaviour, the most likely inference to be drawn from his reluctance to speak up earlier is that he did not overlook the money-making possibilities of this interesting souvenir and thought of selling his story to the press or TV before the FBI got hold of it. What's wrong with that? Scores of people

somehow marginally involved in the Kennedy assassination story have acted the same way.

In its next paragraph, the Report again indirectly confirms my contention, first published in June 1964, that the whole thing was evidence of a deliberate frame-up:

'Neither Ryder nor Greener claimed that Lee Harvey Oswald had ever been a customer in the Irving Sports Shop. Neither has any recollection of either Oswald or his Mannlicher-Carcano rifle, nor does either recall the transaction *allegedly* represented by the repair tag or the person for whom the repair tag was supposedly made [my italics - J. J.]. Although Ryder stated to the FBI that he was "quite sure" that he had seen Oswald and that Oswald may have been in the store at one time, when shown a photograph of Oswald during his deposition, Ryder testified he knew the picture to be of Oswald, "as the pictures in the paper, but as far as seeing the guy personally, I don't think I ever have."'

The Report makes Ryder's testimony sound contradictory, but it isn't, really. He hadn't seen Oswald in the flesh, but he did see, talk to, and get an order from a man who very much looked like Oswald and who, moreover, explicitly stated that he was.

With a final dart at the inconvenient witness, the Report concludes:

'Subsequent events also *reflect on Ryder's credibility*. In his deposition, Ryder emphatically denied that he had talked to any reporters about this matter prior to the time a story about it appeared in the November 28, 1963, edition of the *Dallas Times-Herald*. Earlier, however, he had told an agent of the U.S. Secret Service that the newspaper had misquoted him. Moreover, a reporter for the *Dallas Times-Herald* has testified that on November 28, 1963, he called Ryder at his home and obtained from him all of the details of the alleged transaction, and his story is supported by the testimony of a second reporter who overheard one end of the telephone conversation.'

So what? So Ryder was afraid of telling the FBI that he had already given away his story to the news media. Does that make him a dishonest person?

Despite this stern, and unwarranted, slap at Dial R. Ryder, the Commission isn't quite sure that this man is really a perjurer and forger, as the next item on its agenda shows:

'Possible corroboration for Ryder's story is provided by two women, Mrs. Edith Whitworth, who operates the Furniture Mart, a furniture store located about one and a half blocks from the Irving Sports Shop, and Mrs. Gertrude Hunter, a friend of Mrs. Whitworth. They testified that in early November of 1963, a man who they later came to believe was Oswald drove up to the Furniture Mart in a two-tone blue and white 1957 Ford automobile, entered the store and asked about a part for a gun, presumably because of a sign that appeared in the building advertising a gunsmith shop that had formerly occupied part of the premises. When he found that he could not obtain the part, the man allegedly returned to his car and then came back into the store with a woman and two young children to look at furniture, remaining in the store for about thirty to forty minutes.

'*Upon confronting Marina Oswald, both women identified her as the woman whom they had seen in the store on the occasion in question*, although Mrs. Hunter could not identify a picture of Lee Harvey Oswald and Mrs. Whitworth identified some pictures of Oswald but not others. Mrs. Hunter purported to identify Marina Oswald by her eyes, and did not observe the fact that Marina Oswald had a front tooth missing at the time she supposedly saw her. After a thorough inspection of the Furniture Mart, Marina Oswald testified that she had never been on the premises before.'

This story is extremely revealing of the elaborate arrangements that went into the frame-up of Lee Harvey Oswald. Not only does 'Oswald' here again appear on the scene, but Marina and her two children also get into the act. Evidently, the plotters had at their disposal a young woman who looked even more like Marina than her 'husband' looked like Lee Harvey. (History, since then, has tragically revealed the identity of this hapless woman, but this is a matter of such consequence that I propose to explore it in another book at a later date.) On no other assumption can it be explained that both these witnesses identified Marina as the woman they had seen while the Oswalds clearly were not involved. The fact that Lee Harvey at no time owned a car and couldn't even drive, as well as Marina's missing front tooth, which both women failed to see, affords sufficient proof of that.

Observe also the elaborate frame-up technique. A man goes into a furniture store to ask for a gun part on the flimsy pretext that there had once been a gunsmith shop in the same building. This action was clearly designed to fix this incident in the mind of the store owner who would not easily forget such a foolish query. When told that there were no gun parts for sale in this place, the customer comes back with a woman who strikingly resembles, but is not, Marina Oswald and with two young children who might easily be mistaken for Rachel and June. They stay in the store thirty to forty minutes without buying anything—much longer than ordinary customers normally would do, evidently for the purpose of creating a strong and lasting impression of a family not to be mistaken for another. To the recollection of a young man interested in guns thus is added, in the minds of the two witnesses, the picture of a family not yet in a position to buy furniture but which will soon be able to. Thus an instinctive association of ideas is created between shooting and monetary gain.

The Report goes on: 'The circumstances surrounding the testimony of the two women are helpful in evaluating the weight to be given to their testimony, *and the extent to which they lend support to Ryder's evidence.* [The implication: if Whitworth and Hunter aren't to be believed, Ryder is finished for good—J. J.] The women previously told newspaper reporters that the part for which the man was looking was a "plunger," which the Commission has been advised is a colloquial term used to describe a firing pin. This work was completely different from the work covered by Ryder's repair tag, and the firing pin of the assassination weapon does not appear to have been recently replaced. At the time of their depositions, neither woman was able to recall the type of work which the man wanted done.'

What does it matter? If, as every circumstance of this episode suggests, this was merely another item in a well-planned frame-up campaign, the purpose of that man's visit to the Furniture Mart was simply to have a few more witnesses attest to Oswald's concern with guns and to his financial prospects about to improve substantially. Now comes a most revealing item:

'Mrs. Whitworth related to the FBI that the man told her that the younger child with him was born on October 20, 1963,

which was in fact Rachel Oswald's birthday. In her testimony before the Commission, however, Mrs. Whitworth could not state that the man had told her the child's birthdate was October 20, 1963, and in fact expressed uncertainty about the birthday of her own grandchild, which she had previously used as a guide to remembering the birthdate of the younger child in the shop.

This paragraph again demonstrates the deep-rooted bias of the Commission and its total unwillingness to pursue any clues pointing towards conspiracy or frame-up. For it would indeed be too much to assume that mere coincidence was at stake here. The mention of that birthdate, on that occasion, is cogent evidence that the man in question either was Lee Harvey Oswald, or somebody exceptionally familiar with Oswald's circumstances. If it was not Oswald—and the Commission arrived at the firm conclusion that it was not—then this incident is hard evidence of frame-up.

On the other hand, note how the Commission, again most unfairly, tries to create the impression that Mrs. Whitworth is a poor old soul who just doesn't know what she is talking about. Why, in her testimony before the Commission 'she could not state' what she had previously told the FBI. Why couldn't she? Obviously because, in the meantime, she, too, had been subjected to some of that pressure and harassment which practically all witnesses whose testimony in some way ran counter to the official version have experienced. Or she was simply overawed by the Commission and got bewildered. Who could blame her? But she did tell the FBI and that's in the record.

What the Commission has to say about the circumstances that preclude the couple in question having been the Oswalds makes more sense:

'Mrs. Hunter thought that the man she and Mrs. Whitworth believed was Oswald drove the car to and from the store; however, Lee Harvey Oswald apparently was not able to drive an automobile by himself and does not appear to have had access to a car.

'The two women claimed that Oswald was in the Furniture Mart on a weekday, and in midafternoon. However, Oswald had reported to work at the Texas School Book Depository on the dates referred to by the women and there is no evidence

that he left his job during business hours. In addition, Ruth Paine has stated that she always accompanied Marina Oswald whenever Marina left the house with her children and that they never went to the Furniture Mart, either with or without Lee Harvey Oswald, at any time during October or November of 1963. There is nothing to indicate that in November the Oswalds were interested in buying furniture.'

In spite of the somewhat cagey wording used by the Commission—as though it wanted to leave a possible way out for itself in another seemingly inexplicable incident—the incontrovertible fact of the matter is that the visitors to the Furniture Mart on that day cannot have been Oswald and family for the records of the Book Depository prove that Lee Harvey was on the job every weekday during the period in question. Inevitably, then, somebody else, or rather two other persons, had been impersonating Lee Harvey and Marina Oswald on this occasion—unless Mrs. Whitworth and Mrs. Hunter, dreaming in unison in broad daylight, just had imagined the whole thing. And so the Commission, in sheer desperation, snatches at this straw and clings to it for dear life:

'Finally, investigation has produced reason to question the credibility of Mrs. Hunter as a witness. Mrs. Hunter stated that one of the reasons she remembers the description of the car in which Oswald supposedly drove to the furniture store was that she was awaiting the arrival of a friend from Houston, who drove a similar automobile. However, the friend in Houston has advised that in November 1963, she never visited or planned to visit Dallas, and that she told no one that she intended to make such a trip. Moreover, the friend added, according to the FBI interview report, that Mrs. Hunter has "a strange obsession for attempting to inject herself into any big event which comes to her attention" and that she "is likely to claim some personal knowledge of any major crime which receives much publicity." She concluded that "the entire family is aware of these 'tall tales' Mrs. Hunter tells and they normally pay no attention to her."'

Here the Warren Commission really goes the limit in unfair treatment of a witness that cannot even be described as hostile but who merely wants to tell the truth as she experienced it. On the say-so of an unidentified 'friend' in another city, without

at least confronting Mrs. Hunter with these disparaging remarks, without even remembering the corroborating evidence of Mrs. Whitworth, the Commission concludes that this witness is given to spinning tall tales and that, therefore, the whole episode related above presumably did not take place. And, in the process, poor Ryder is also relegated to limbo.

Strange Antics at a Rifle Range

WE now come to Act III of the Frame-up Drama. It is of particular importance because in this case the Warren Commission implicitly recognizes the impossibility of dismissing the whole thing as fancy:

'Rifle Practice.—Several witnesses believed that in the weeks preceding the assassination, they observed *a man resembling Oswald* practicing with a rifle in the fields and wooded areas surrounding Dallas, and at rifle ranges in that area. Some witnesses claimed Oswald was alone, while others said he was accompanied by one or more other persons. In most instances, investigation has disclosed that there is no substantial basis for believing that the person reported by the various witnesses was Oswald.

'One group of witnesses, however, believed that they observed Lee Harvey Oswald at the Sports Drome Rifle Range in Dallas at various times from September through November of 1963. In view of the number of witnesses, the *similarity of descriptions of the men they saw*, and the type of weapon they thought the individual was shooting, there is reason to believe that these witnesses did see the same person at the firing range, although the testimony of none of these witnesses is fully consistent with the reported observations of the other witnesses.

'The witnesses who claimed to have seen Oswald at the firing range had *more than a passing notice* of the person they observed. Malcolm H. Price, Jr., adjusted the scope on the individual's rifle on one occasion; Garland G. Slack had an altercation with the individual on another occasion because he was shooting at Slack's target; and Sterling C. Wood, who on a third date was present at the range with his father, Dr. Homer Wood, spoke with his father and very briefly with the man himself about the individual's rifle. *All three of these persons,*

as well as Dr. Wood, expressed confidence that the man they saw was Oswald. Two other persons believed they saw a *person resembling Oswald* firing a similar rifle at another range near Irving two days before the assassination.'

In *Oswald: Assassin or Fall Guy?* I devoted four pages to a minute description of the strange goings-on at the Sportsdrome Rifle Range which the Warren Report has subsequently confirmed in almost every detail. Again, it must be stated for the record that the Commission had been warned by my book, the first edition of which was published three and a half months before the Warren Report came out, to look out for the evidence of frame-up which fairly cries out from every one of the Sports Drome happenings. It is an established fact that the Warren Commission studied *Oswald: Assassin or Fall Guy?* very carefully, even though they chose to ignore the book officially. Again, therefore, it must be said that the Commission had no excuse whatsoever for having failed, in this instance, too, to explore an angle which explains all of a dozen strange happenings which the Commission is at a loss to explain and thus chooses to dismiss with a collective shrug of shoulders.

Before we go on with the Report, let me quote here a few revealing passages from *Oswald: Assassin or Fall Guy?*, Chapter 8:

'When it became apparent that the assassin had to be a skilled and practiced marksman, "new evidence" began to appear. Floyd Davis, owner of the Sportsdrome Gun Range near Grand Prairie (a suburb of Dallas), was quoted in an AP dispatch dated Dec. 7, 1963, as saying that three people had told him that they had seen Oswald on that range, though he conceded that neither he himself, nor his wife, Virginia, had ever set eyes on Oswald. . . .'

A few paragraphs down, in my book, I wrote:

'Reading the exclusive story entitled "At Gun Range—Oswald Practicing Told," which appeared in the *Dallas Morning News* on Dec. 9 (1963), much about the story seems peculiar. The opening paragraph states:

"Two gun enthusiasts told the *Dallas News* Sunday night they were certain that Lee Harvey Oswald was the arrogant, sullen rifleman who practiced at the Sportsdrome Gun Range near Grand Prairie on several occasions before the assassination

of President Kennedy Nov. 22. Both said, 'Other people were with him.'"

'If other people were with him,' I went on to say in *Oswald: Assassin or Fall Guy?*, 'then perhaps more than one person was involved. If Oswald carried out the assassination alone, then the story makes little sense. All accounts of Oswald's life have emphasized that he was a "loner". We are asked to believe that this aloof man, planning to assassinate the President of the United States, would go to a public range for target practice and—bring some people along.

'If Oswald did it alone, these people have nothing to fear in so far as the assassination is concerned. Let the Warren Commission broadcast an appeal that they come forward, guaranteeing them secrecy as to their identity and why they were with Oswald. So far, none of these eyewitnesses has been found. *This suggests the startling possibility that someone who resembled Oswald may have been at the range—another clue such as that of the repair ticket.* . . .

'Howard Price is a 34-year-old machinist of 1127 Rice Street, Grand Prairie, who was not employed by the Sportsdrome "but just helped out once in a while." He was positive in his identification: "There's no doubt it was Oswald," he told the *Morning News* and even had a chat with Oswald. Says the *News*:

"'He (Oswald) asked me if he could shoot," Price said. "I was ready to leave—it was about 7 p.m.—but I said all right and went on down to the shooting bench with him. *He asked me to help him sight the scope!* [italics added]."

After this quotation from the *Dallas News*, I continued in *Oswald: Assassin or Fall Guy?*: 'This is supposed to have happened at about 7 p.m. on Nov. 9 or 10, which is a Saturday or a Sunday evening and Oswald usually spent his weekends at home. He would certainly have had difficulty leaving unobserved, carrying a rifle, to say nothing of driving there when he didn't know how. Yet Price says he recognized Oswald. It follows that someone was there who *looked something like Oswald* [italics in the original] and who went to some trouble to call attention to himself, his equipment and his doings. For "Oswald" not only sought Price's help in sighting the scope but allegedly said to him: "Did you ever see a clearer one?" Price agreed. He thought "the telescopic sight on the gun Oswald was

firing that evening" was "one of the clearest I've ever looked through."'

All this should have been enough to put the Warren Commission on its guard. They were warned of the strong possibility, nay probability, that an impostor had been posing as Oswald for the specific purpose of planting incriminating clues against him. Yet they never even looked in that direction.

They weren't even impressed by Price's remark that he had never seen a clearer scope on a rifle which of course means that he must have been looking, on this occasion, through one of expensive make. Oswald possessed a cheap Italian rifle of World War II vintage which came equipped with one of the cheapest—if not *the* cheapest—telescopic sights on the market. Price, therefore, surely wasn't looking through the scope of Oswald's Carcano, on this occasion. He was dealing with The False Oswald who was getting ready to fire on the Presidential parade from a considerable distance and therefore needed a first-rate 'scope on his rifle.

Let me quote some more from *Oswald: Assassin or Fall Guy?*:

'Price, according to the *Dallas Morning News*, further stated that he saw Oswald again Nov. 17—the Sunday before Kennedy was slain. "Oswald," according to Price, had posted himself at the No. 8 shooting place—without a gun. There Price noticed, "somebody, I don't know if it was a man or a woman," *passed a wrapped-up rifle to Oswald over the 5-foot-high fence!* [Italified in the original.]

'Now, does that sound like Oswald, the loner, or Oswald the family man? I suppose the person who passed him the rifle was Marina, clutching her weeks-old baby to her breast with one arm, while two-year-old June clings to her skirts, and manoeuvring with her free hand a heavy gun across a high fence!

'It would have been a lovely family scene, but it didn't happen that way. For, "shooting alongside Oswald" that Sunday was another eyewitness, Garland G. Slack, 59, a heating engineer who lives at 4130 DeLee Street.

'Slack said Oswald was shooting rapid-fire at three different targets, "and I think he centered them all. It made me mad when he shot at mine, though, and I ran in and raised hell with Floyd (the range owner) about it."

We have a picture, then, of an exceptionally accomplished

marksman, a sharpshooter able to center the targets in three different shooting stands, all at one time and in rapid-fire motion! Oswald, by contrast, was a very mediocre rifleman, as even the Warren Report has to concede, though it does so in a backhanded way—one who couldn't even hit a big man (General Walker) sitting at his desk under a bright lamp, from a distance of a few feet!

No, that peerless champion who was practicing at the Sportsdrome on these occasions was certainly not Oswald, as the Warren Commission itself is forced to admit. We now go back to their Report where we had left off:

'Although the testimony of these witnesses was partially corroborated by other witnesses, there was other evidence which prevented the Commission from reaching the conclusion that Lee Harvey Oswald was the person these witnesses saw. Others who were at the firing range remembered the same individual but, though *noting a similarity to Oswald*, did not believe that the man was Oswald; others either were unable to state whether the man was Oswald or did not recall seeing anybody who they feel may have been Oswald. Moreover, when interviewed on December 2, 1963, Slack recalled that the individual whom he saw had blond hair and on December 3, 1963, Price stated that on several occasions when he saw the individual, he was wearing a "Bulldogger Texas style" hat and had bubble gum or chewing tobacco in his cheek. None of these characteristics match those known about Lee Harvey Oswald.

'Moreover, the date on which Price adjusted the scope for the unknown person was September 28, 1963, but Oswald is known to have been in Mexico City at that time. . . .'

Here the Commission is indulging in an almost unbelievable piece of date-juggling. For the plain fact of the matter is that the Sports Drome Range didn't open for business until *October 26, 1963*, as I had stated on page 86 of *Oswald: Assassin or Fall Guy?* on the strength of information published at the time in the Dallas press. We have also seen that Mr. Price had told the *Dallas Morning News* (12.9.63) that the first of the two incidents witnessed by him took place the weekend of November 9-10 and the second on Sunday November 17. These are also the dates given by *Life* magazine in its comprehensive account on 'The Evolution of an Assassin' (see below).

Why did the Warren Commission antedate a most telltale episode which occurred just twelve days before the assassination, to the month of September, when the firing range wasn't even open at that time? Could it have been a smokescreen to hide the identity of The False Oswald from public scrutiny?

'Since a comparison of the events testified to by Price and Slack strongly suggests that they were describing the same man,' the Report goes on to say, 'there is reason to believe that Slack was also describing *a man other than Oswald*. In addition, Slack believed he saw the same person at the rifle range on November 10 and there is *persuasive evidence that on November 10, Oswald was at the Paines' home in Irving and did not leave to go to the rifle range. . . .*'

Why did the Commission in Slack's case accept the date of November 10 while in the case of Price it was changed to September 28, although Price, too, had originally put the date when he looked through the stranger's rifle scope at November 10?

'It seems likely' (the Warren Report goes on) 'that the identification of Price, Slack and the Woods was reinforced in their own minds by the belief that the man whom they saw was firing a rifle perhaps identical to Oswald's Mannlicher-Carcano. The witnesses agreed that the man they observed was firing a *Mauser-type* bolt-action rifle. . . .' This is particularly interesting in view of the fact that the rifle found at the Texas School Book Depository had originally been identified by several police officers—and by District Attorney Wade—as a *Mauser*, as is well known.

That the weapon fired by the man several witnesses observed at the Sports Drome was different from Oswald's Carcano—a matter discussed in considerable detail in the Warren Report—can hardly be doubted, therefore.

It all adds up to a certainty that the reckless rifleman who practiced at that range cannot possibly have been Oswald. Nevertheless, as late as February 21, 1964, *Life*, in its cover story 'The Evolution of an Assassin,' used a big subhead '*On the rifle range, "he was excellent"*' and described Oswald's alleged exploits in a manner untouched by even the faintest suspicion of doubt:

'Malcolm Price, who helps operate the Sportsdrome rifle

✓ range in Grand Prairie, two and a half miles from Irving, recalled that about the weekend of November 9-10, he saw Oswald shooting a rifle at the range. Price says he looked through Oswald's telescopic sight and was impressed by its clarity.

'A range customer, Garland G. Slack, said he saw Oswald there on the weekend of Nov. 9-10 and also on Sunday, November 17. He remembered that Oswald was an excellent shot—he was impressed by his "tight group," the close cluster of bullet holes he put in his target. "I was getting together 10 men for a turkey shoot and I was interested in getting this fellow because he was shooting such a tight group," Slack said. "But he didn't shoot with us because he didn't have a dollar for the entry fee." Slack said that on Oswald's first visit to the range another accompanied him.'

About this intriguing matter—'Oswald's' companion at the rifle range—Slack had given the *Dallas News* some fascinating details which I quoted in *Oswald: Assassin or Fall Guy?* as follows:

'But it was Oswald, Mr. Slack is sure.

'"I'd know that face anywhere. I can't remember phone numbers or names, but faces I do and it was Oswald."

'Mr. Slack's sad experiences that Sunday on the gun range were not confined to that unruly customer Oswald. I quote again from the *News*:

✓ ["A man was with Oswald that Sunday," Slack said. "He was 25 years old or less, tall and dark haired. I remember his shoes were real big-boy, he had big feet—and the shoes turned up like the dwarfs' in Snow White.

✓ ["'One reason I remember him (the other man) so well," Slack went on, "was that he kept kicking the stand where I was shooting."

✓ ['Slack said Oswald shot for an hour or more and the two men left in an old, "desert sand" coloured auto—at least 10 years old.

✓ ['He noticed again, Slack said, "because they jumped in and took off like crazy boys do—left a bunch of flying dust."

Now I'll set down again the conclusion I reached on the strength of those newspaper reports—the gist of which has amply been confirmed by the Warren Report—in my book *Oswald: Assassin or Fall Guy?*:

'Now all this, mind you, took place on a gun range just outside Dallas on Sunday, Nov. 17, 1963—five days before President Kennedy was assassinated.

'A man positively identified as Oswald by two persons appears at that range and engages in wild shooting antics that would have scared a squad of riot troopers. His conspicuously dressed companion obtrusively invites the angry attention of another customer by kicking his stand repeatedly while "Oswald" peppers the same target with rapid fire from the sidelines. And in the end the two of them take off with screeching tires in a cloud of dust.

'Could there be anything more spectacular, more boisterous, more obtrusive? What was the purpose of this scene?

'Is it even remotely thinkable that a young family man who is plotting to assassinate the President of the United States for no conceivable reason—and who, moreover, keeps at home a picture of himself holding the murder weapon—stages such a show five days before the deed?

'Why, if Oswald that Sunday had walked into a Dallas police station, flaunting his rifle in the face of the cops and yelling: "If that so-and-so Kennedy comes here next Friday, I'm going to let him have it!" he could hardly have given louder advance notice.

'There is only one word for it: Impossible.

'Then, what is the meaning of these strange goings-on?

'It is simple enough. Here, again, you are watching the mechanics of the frame-up in action. This whole scene was staged by the plotters against Kennedy's life as part of their elaborate preparations to divert attention from themselves and toward Oswald.'

These sentences, written early in 1964 and published in June of that year, were read by the Warren Commission. Had the Commission not been so completely committed to a one-track investigation that ruled out conspiracy in advance, they could not have failed to pay attention. Even a few timid steps toward exploring the possibility of frame-up would have opened up promising new avenues of investigation. They might even have led to the discovery of the truth.

Precisely for that reason the Warren Commission closed its eyes,

The Bogard Incident

UNDER the innocent heading 'Automobile demonstration,' the Warren Report details the fourth of those strangely revealing episodes which, taken together, afford conclusive evidence to the effect that a hostile double, in the first three weeks of November 1963, scattered incriminating clues against Lee Harvey Oswald far and wide around Dallas. Says the Report:

'The testimony of Albert Guy Bogard has been carefully evaluated because it suggests the possibility that Oswald might have been a proficient automobile driver and, during November 1963, *might have been expecting funds with which to purchase a car.* Bogard, formerly an automobile salesman with a Lincoln-Mercury firm in Dallas, testified that in the early afternoon of November 9, 1963, he attended a prospective customer who he believes was Lee Harvey Oswald. According to Bogard, the customer, after test driving an automobile over the Stemmons Freeway at 60 to 70 miles per hour, told Bogard that *in several weeks he would have money* to make a purchase. Bogard asserted that the customer gave his name as "Lee Oswald," which Bogard wrote on a business card. After Oswald's name was mentioned on the radio on November 22, Bogard assertedly threw the card in a trash can, making the comment to co-employees that he supposed Oswald would no longer wish to buy a car.'

Doesn't the frame-up intent, in this instance again, hit the unbiased observer right between the eyes? A man who specifically calls himself Lee Oswald, but who is not the genuine Lee Harvey Oswald, as the Commission again has established in this case, walks into an automobile sales-room and (a) establishes his driving proficiency by racing a car at 60 to 70 miles an hour on Stemmons Freeway (this evidence would have come in handy at Oswald's trial to counter his allegation that he could not drive) and (b) tells the salesman that, in a few weeks, he'll get enough money to buy a new car.

One can fairly hear District Attorney Wade sneer at Oswald's trial: 'Where would the defendant, a low-salaried, almost penniless, worker get the money from for that car purchase? Why, this was to be the bloodmoney to be paid to him by his Communist taskmasters for killing the President of the United States!'

Bogard wasn't just making things up. The Warren Report itself has to admit that his story was supported by other evidence:

'Bogard's testimony has received corroboration. The assistant sales manager at the time, Frank Pizzo, and a second salesman, Eugene M. Wilson, stated that they recall an instance when the customer described by Bogard was in the showroom. Another salesman, Oran Brown, recalled that Bogard asked him to assist the customer if he appeared during certain evenings when Bogard was away from the showroom. Brown stated that he too wrote down the customer's name and both he and his wife remember the name "Oswald" as being on a paper in his possession before the assassination.'

Here, then, we have three people, Mr. Bogard, Mr. and Mrs. Brown, who concordantly testify that the name 'Oswald' had been written down—even twice—in connection with a prospective customer who wanted to test drive a car on the expectation that he would soon have enough money to buy one.

According to an FBI report that can be found in Vol. XXVI (pp. 702, 703) of the 'Hearings,' Oran Brown testified that, on the evening of November 22, after the assassination, his wife asked him what he knew about Oswald, telling him that she had seen the name Oswald on a piece of paper among his effects. Brown said he replied that Oswald was a 'prospective customer.' His wife, under questioning by FBI agents, confirmed her husband's testimony in every detail.

The most amazing piece of testimony, however, came from another salesman, Eugene Wilson. The Warren Report quotes him as saying that when the 'prospective customer' who called himself Lee Oswald was told that he could not purchase a new car without a credit rating, substantial cash or a lengthy employment record, he stated sarcastically:

'Maybe I'm going to have to go back to Russia to buy a car.'

The Commission dismisses this extraordinarily telltale re-

mark by saying: 'While it is possible that Oswald would have made such a remark, the statement is not consistent with Bogard's story. Indeed, Bogard has made no mention that the customer ever spoke with Wilson while he was in the showroom. More important, on November 23, a search through the showroom's refuse was made, but no paper bearing Oswald's name was found. The paper on which Brown reportedly wrote Oswald's name also has never been located.'

This proves exactly nothing. Since the search was not made until the following day, anybody could have gone through that refuse before and removed Bogard's business card, on which he had jotted down Oswald's name, for a variety of reasons. As for the other slip of paper, it stands to reason that Brown had taken it home, since his wife had found it among her husband's effects. There is no indication in the Warren Report that the refuse at the Brown home had also been searched, or when. Or maybe Oran Brown, or his wife, deliberately hid that piece of paper as a souvenir or for future reference.

As for some apparent discrepancies in detail from one salesman's statements to those of the next, that sort of thing is to be expected in a big place where a substantial number of people are employed. Nor is it really of vital importance whether the customer wanted to purchase for cash (as Bogard is supposed to have stated, according to the Warren Report), or expected to be able to buy on credit (as Pizzo and Wilson both indicated).

What really matters is the fact that three persons recalled having written, or seen, the name of Oswald on paper, before the assassination, i.e. at a time when that name cannot possibly have meant anything to any of them. Under these circumstances, the Commission's attempt again to cast doubt on the credibility of all of these witnesses, for no better reason than that it cannot come up with a plausible explanation of the incident, is not only unfair, but ridiculous. To anyone with an open mind the evidence must seem conclusive that a man who called himself Oswald was at that store and had announced his intention to buy a new car, something the real Oswald could never have afforded. That this individual again *looked like Oswald* is apparent from the following paragraph in the Warren Report:

'The assistant sales manager, Mr. Pizzo, who saw Bogard's

prospect on November 9 and shortly after the assassination felt that Oswald may have been this man, later examined pictures of Oswald and expressed serious doubts that the person with Bogard was in fact Oswald. *While noting a resemblance*, he did not believe that Oswald's hairline matched that of the person who had been in the showroom on November 9. Wilson has stated that Bogard's customer was only about 5 feet tall. *Several persons who knew Oswald have testified that he was unable to drive*, although Mrs. Paine, who was giving Oswald driving lessons, stated that Oswald was showing some improvement by November.' (Elsewhere, the Warren Report states that Mrs. Paine had given Oswald only two driving lessons which is hardly enough to qualify for a 60- to 70-mile race on an expressway - J. J.)

I have no quarrel, though, with the Commission's final argument in the case: 'Moreover, Oswald's whereabouts on November 9, as testified to by Marina Oswald and Ruth Paine, would have made it impossible for him to have visited the automobile showrooms as Mr. Bogard claims.'

That's just it. Oswald, the real Oswald, never set foot inside that place. But Bogard, Brown, Brown's wife, Pizzo and Wilson, five people in all, certainly didn't have a collective fit of hallucination when they saw, talked to, took notes about, and witnessed the existence of such notes, a man resembling Lee Harvey Oswald and who explicitly had given his name as 'Lee Oswald.'

And so, once again, the Commission is squarely confronted with an inescapable dilemma: either to deny the obvious, or to admit frame-up in its crudest form. The Commission, as always, chose to deny the obvious.

Bogard, like other embarrassing witnesses, was made to feel that his presence in Dallas was no longer wanted. Had Oswald lived, he would have been a hero and a star witness for the prosecution at the trial of the alleged assassin. With Oswald dead, however, the Bogard Incident not only became superfluous, but troublesome because it points so strongly to the existence of a False Oswald.

What happened to Bogard has been revealed by Mark Lane in a footnote to Chapter 27 of his *Rush to Judgment*:

'On April 4, 1966, I spoke with Oran Brown in Dallas. He told me, "You know, I am afraid to talk." Brown said, "Bogard

was beaten by some men so badly that he was in the hospital for some time, and this was after he testified. Then he left town suddenly and I haven't heard from him or about him since." He added, "I think we may have seen something important, and I think there are some who don't want us to talk. Look at that taxi driver who was just killed, and the reporters." Brown referred to cab driver William Whaley, who was killed in an automobile collision on December 18, 1965.

Aside from this group of episodes which clearly show the False Oswald in action planting clues against the real one, in the last three weeks preceding the assassination, the Warren Report lists several other incidents that raise the possibility of even earlier attempts to involve Lee Harvey Oswald in plots to assassinate the President.

In one instance, a young Latin American secret agent, identified only as 'D' in the Warren Report, reported to US authorities in Mexico that, on September 18, 1963, at the Cuban consulate he had seen two persons, a tall Cuban and a tall, thin Negro, hand \$6,500 to Lee Harvey Oswald and overheard parts of their conversation. The agent concluded that the money was being paid for the purpose of killing 'someone important in the United States' and immediately alerted the US Embassy, only to be told that he was wasting his time and should stop.

The conversation this agent claimed to have overheard was held 'rapidly in both Spanish and English,' but Oswald, as the Warren Report notes, spoke little, if any, Spanish. Under questioning, the agent apparently retracted part of his statement and said the person he had seen at the Cuban Embassy was '*someone who looked like Oswald*.' The Commission simply concluded that 'D' was lying.

Much greater attention was given by the Commission to still another incident which is also supposed to have taken place in September 1963 and to have involved Cubans. On July 22, 1964, a Cuban woman living in Dallas, Texas, Mrs. Sylvia Odio, testified before the Commission that Lee Harvey Oswald, on September 26 or 27, 1963, had visited her home in the company of two other men who appeared to be either Cubans or Mexicans in connection with a fund-raising campaign in favor of an anti-Castro organization. Mrs. Odio harbored no doubts that the single American in the group, who spoke little Spanish, and had

been introduced to her as 'Leon Oswald,' was in fact Lee Harvey. The men told her they had just come from New Orleans and were about to leave on a trip (which of course fits in with Oswald's movements during that period). The next day 'Leopoldo' (one of the two Cubans or Mexicans) called Mrs. Odio on the telephone, she testified, and told her that it was his idea to introduce this American into the underground organization 'because he is great, he is kind of nuts.'

Then, in the words of the Warren Report, 'Leopoldo also said that the American had been in the Marine Corps and was an excellent shot, and that the American said the Cubans "don't have any guts . . . because President Kennedy should have been assassinated after the Bay of Pigs, and some Cubans should have done that, because he was the one that was holding the freedom of Cuba actually."'

This was, to be sure, a startling bit of information and the Warren Commission went to considerable pains to investigate it. In the end, however, the Commission concluded that Lee Harvey Oswald 'could not have been in Dallas on the evening of either September 26 or 27, 1963,' which conclusion appears to be well founded. As always, it did not even give a thought to the possibility that the incident might have been staged for the purpose of connecting an assassination plan, which at the time must have been in a very early stage, with the name of Oswald.

The Commission, at that, concedes that the FBI on September 16, 1964, located in California one Loran Eugene Hall, 'identified as a participant in numerous anti-Castro activities,' who said he had visited Mrs. Odio in September 1963 on a fund-raising mission.

'He (Hall) was accompanied by Lawrence Howard, a Mexican-American from East Los Angeles,' states the Warren Report, 'and one William Seymour from Arizona. He stated that *Seymour is similar in appearance to Lee Harvey Oswald*; he speaks only a few words of Spanish, as Mrs. Odio had testified one of the men who visited her did. While the FBI had not yet completed its investigation into this matter at the time the report went to press, the Commission has concluded that Lee Harvey Oswald was not at Mrs. Odio's apartment in September of 1963.'

The Commission, however, pointedly refrained from also

concluding that the meeting at Mrs. Odio's apartment never took place. For, not only had a painstaking investigation established that she was a reliable person, but there is also the testimony of her sister who was with her in the apartment at the time and who 'also believed that the American was Lee Harvey Oswald.'

Again, then, we are dealing with an actual event involving a person who looks very much like Lee Harvey Oswald and who, most importantly, *uses the name of Oswald*. But this man was not, it appears, William Seymour after all, a subsequent investigation by the FBI has disclosed. Who was it, then? So far the mystery of his identity has not been resolved.

In conclusion, I should like to mention an episode not discussed in the Warren Report but which appears to be well authenticated and which fits perfectly into the frame-up pattern already sufficiently established. In the *New York Review of Books* of July 28, 1966, Professor Richard H. Popkin related: 'An independent researcher, Mr. Jones Harris, has given me the following report:

"In March 1966, I interviewed in Dallas a Mr. January who had been manager of Red Bird Air Field at the time of the assassination. Mr. January told me that on Wednesday, November 20, 1963, three people turned up at the airport. Two of them, a heavy-set young man and a girl, got out of their car and spoke to him, leaving a young man sitting in the front of the car. The couple inquired as to the possibility of hiring a Cessna 310 on Friday the 22nd to take them to Yucatan peninsula. They asked how far the Cessna could travel without refueling. How fast did the plane travel? Would they have to stop in Mexico City? January replied that it would be necessary and this seemed to suit their plans. They told January that they wanted to be back at Red Bird Field on Sunday. January did not believe that they could afford the flight. Privately, he suspected that they might want to hijack his plane and go on to Cuba. He decided not to rent them the plane even if they turned up with the money before the flight.

"He never saw the three people again. But on Friday, when he saw Oswald on TV, he was certain he had seen him before. Then he remembered the young man sitting in the front seat of the car and was convinced that it had been Oswald."

Red Bird
Jones Harris

For Lee Harvey Oswald to have made any preparations to flee the country on November 22, 1963, it would be necessary first to establish (which the Warren Report has not done, despite all the fanfare to the contrary) that he really intended to kill on that day. Actually, all of Oswald's movements after the assassination clearly indicate that he was not planning to flee from the United States, but merely thought of escaping from a trap he felt was closing in on him, without quite realizing the plight he was in. Moreover, the Warren Report specifically says in the section on 'Speculation and Rumours': 'The Commission found no evidence that Oswald had any prearranged plan for escape after the assassination.'

Therefore, if the airport incident took place, as reported by Mr. Harris, it may be taken for granted that it too was a link in the elaborate chain of planted clues and that the young man in the front seat of that car was not Lee Harvey Oswald but his hostile double, The False Oswald.

The Clincher: Officer Craig's Testimony

IF any more proof were needed that there was a False Oswald, a man of such extraordinary resemblance to Lee Harvey as to make him a perfect double, it can be found in a remarkable incident that occurred shortly after the assassination.

The Warren Report relates it in these terms:

'Roger D. Craig, a deputy sheriff of Dallas County, claimed that about 15 minutes after the assassination he saw a man, whom he later identified as Oswald, coming from the direction of the Depository Building and running down the hill north of Elm Street toward a light-coloured Rambler station wagon, which was moving slowly along Elm toward the underpass. The station wagon stopped to pick up the man and then drove off. Craig testified that later in the afternoon he saw Oswald in the police interrogation room and told Captain Fritz that Oswald was the man he saw. Craig also claimed that when Fritz pointed out to Oswald that Craig had identified him, Oswald rose from his chair, looked directly at Fritz, and said: "Everybody will know who I am now."

'The Commission could not accept important elements of Craig's testimony. Captain Fritz stated that a deputy sheriff *whom he could not identify* [italics mine - J. J.] did ask to see him that afternoon and told him a similar story to Craig's. Fritz did not bring him into his office to identify Oswald but turned him over to Lieutenant Baker for questioning.

'If Craig saw Oswald that afternoon, he saw him through the glass windows of the office. And neither Captain Fritz nor any other officer can *remember* that Oswald dramatically arose from his chair and said, "Everybody will know who I am now." *If Oswald had made such a statement, Captain Fritz and others present would probably have remembered it.* Craig may have

seen a person enter a White Rambler station wagon 15 or 20 minutes after the shooting and travel west on Elm Street, but the Commission concluded that this man was not Lee Harvey Oswald, because of the overwhelming evidence that Oswald was far away from the building at that time.'

Here, then, we have a truly amazing situation: Oswald, after the assassination, taking off in two different directions at the same time: home to his boarding house in Oak Cliff by bus and taxi; and west on Elm Street, then through the underpass in a private automobile. The Commission airily resolves the problem by slapping down Officer Craig as a liar (and, under the circumstances, a perjurer). But was Craig really lying or making things up?

Let us examine the two phases of his testimony separately. First, what did Craig see on Elm Street? And next, what happened at police headquarters while Oswald was being questioned?

For enlightenment on the first question, we turn again to the 'Hearings,' Vol. VI, pp. 260-273. Deputy Sheriff Roger D. Craig, after telling Commission counsel David W. Belin that he was standing in front of the Sheriff's Office on North Main when the first shot was fired, is asked how much time later it was that he saw a man running away from the scene. Fourteen or fifteen minutes, Craig testified. He said, he heard a whistle and 'So I turned and - uh - saw a man start to run down the hill on the north side of Elm Street, running down toward Elm Street.'

BELIN: 'And, about where was he with relation to the School Book Depository Building?'

CRAIG: 'Uh - directly across that little side street that runs in front of it. He was on the south side of it.'

BELIN: 'And he was on the south side of what would be an extension of Elm Street, if Elm Street didn't curve down into the underpass?'

CRAIG: 'Right; right.'

BELIN: 'And where was he with relation to the west side of the School Book Depository Building?'

CRAIG: 'Right by the - uh - well, actually, directly in line with the west corner - the southwest corner.'

BELIN: 'He was directly in line with the southwest corner of the building?'

CRAIG: 'Yes.'

BELIN: 'And he was on the south curve of that street that runs right in front of the building there?'

CRAIG: 'Yes.'

BELIN: 'And he started to run toward Elm Street as it curves under the underpass?'

CRAIG: 'Yes; directly down the grassy portion of the park.'

BELIN: 'All right. And then what did you see happen?'

CRAIG: 'I saw a light-colored station wagon driving real slow, coming west on Elm Street from Houston. Uh—actually, it was nearly in line with him. And the driver was leaning to his right looking up the hill at the man running down.'

BELIN: 'Uh-huh.'

CRAIG: 'And the station wagon stopped almost directly across from me. And—uh—the man continued down the hill and got in the station wagon. And I attempted to cross the street. I wanted to talk to both of them. But the—uh—traffic was so heavy I couldn't get across the street. And—uh—they were gone before I could—'

BELIN: 'Where did the station wagon head?'

CRAIG: 'West on Elm Street.'

BELIN: 'Under the triple underpass?'

CRAIG: 'Yes.'

BELIN: 'Could you describe the man you saw running down toward the station wagon?'

CRAIG: 'Oh, he was a white male in his twenties, five nine, five eight, something like that; about 140 to 150; had kind of medium brown sandy hair—you know, it was like it'd been blown—you know, he'd been in the wind or something—it was all wild looking; had on—ju—blue trousers.'

[The reader is invited to turn back to p. 61 for the FBI's description of Larry Crafard. It fits exactly. But of course it also fits Oswald. They must have been as alike as twins.]

BELIN: 'What shade of blue? Dark blue, medium or light?'

CRAIG: 'No; medium, probably; I'd say medium. And, a—uh—light tan shirt, as I remember it.'

BELIN: 'Anything else about him?'

CRAIG: 'No, nothing except that he looked like he was in an awful hurry.'

BELIN: 'What about the man who was driving the car?'

CRAIG: 'Now, he struck me, as being a colored male. He was very dark complectioned, had real dark short hair, and was wearing a thin, white-looking jacket—uh—it looked like the short windbreaker type, you know, because it was real thin and had the collar that came out over the shoulder (indicating with hands) like that—just a short jacket.'

BELIN: 'You say that he first struck you that way. Do you think that he was a Negro?'

CRAIG: 'Well, I don't—I didn't get a real good look at him. But my first glance at him I was more interested in the man coming down the hill—but my first glance at him he struck me as a Negro.'

BELIN: 'Is that what your opinion is today?'

CRAIG: 'Well, I—I couldn't say, because I didn't get a good enough look at him.'

BELIN: 'What kind and what color station wagon was it?'

CRAIG: 'It was light colored—almost—uh—it looked white to me.'

BELIN: 'What model or make was it?'

CRAIG: 'I thought it was a Nash.'

BELIN: 'Why would you think it was a Nash?'

CRAIG: 'Because it had a built-in luggage rack on the top. And—uh—at the time, this was the only type car I could fit with that type of luggage rack.'

BELIN: 'A Nash Rambler—is that what you're referring to?'

CRAIG: 'Yes; with a rack on the back portion of the car, you know.'

BELIN: 'Did it have a Texas license plate or not?'

CRAIG: 'It had the same color. I couldn't see the—uh—name with the numbers on it. I could just barely make them out. They were at an angle where I couldn't make the numbers of the—uh—any of the writing on it. But—uh—I'm sure it was a Texas plate.'

[After a few more pages of testimony Belin asked:]

BELIN: 'Anything else about the assassination that you think might be important that we haven't discussed here?'

CRAIG: 'No; except—uh—except for the fact that it came out later that Mrs. Paine does own a station wagon and—uh—it has a luggage rack on top. And this came out, of course, later, after I got back to the office. I didn't know about this. Buddy Walthers

brought it up. I believe they went by the house and the car was parked in the driveway.'

The Warren Commission, of course, didn't grasp at this juicy morsel. When you're convinced, *a priori*, that there couldn't possibly have been a conspiracy, it's no use following up conspiratorial leads, no matter how promising they may look.

Maybe it was just one of those coincidences—Mrs. Paine having just the type of car in which 'Oswald' made his escape from the assassination scene. But when one remembers that it was Mrs. Paine who placed the real Oswald in the TSBD, the 'ambush building chosen with care'; that it was she who gave him the city map which later was described by the police and District Attorney Wade as an 'assassination map,' and that she didn't reveal the truth about that map until it was too late to save Oswald's life; that she regularly informed about Oswald to the FBI; and that she played guardian angel to Marina in a rather suspicious manner; then it would seem that at least a little curiosity about that station wagon and its possible use by 'Oswald's' rescuer might have been warranted.

Now let us turn to the no less amazing scene at police headquarters. We have two police officers—Captain Fritz and Officer Craig—testifying under oath about the same incident; their depositions are diametrically opposed to each other—and the Warren Commission does nothing about it!

Says Deputy Sheriff Craig in effect: I was in the interrogation room. I saw Oswald with my own eyes and recognized in him the man I had seen shortly before running down that hill near the TSBD. When I identified Oswald, Captain Fritz pointed this out to him. Oswald then arose from his chair, looked directly at Fritz and said: 'Everybody will know who I am now.'

Says Captain Fritz in effect: Deputy Craig was not in the interrogation room. He can at most have had a glimpse of Oswald through the glass windows of the office. I know nothing about Oswald exclaiming, 'Everybody will know who I am now.'

The two statements are irreconcilable. One or the other of these two police officers lied, under oath, to the Warren Commission. It would have been the duty of the Commission to call the matter to the attention of the Department of Justice for perjury action. Why didn't it do so? The answer is self-evident.

Note how firmly, if a bit awkwardly, Craig is testifying. And note how evasively Fritz tries to rebut him. Why can't he identify the deputy sheriff who asked to see him that afternoon when Craig explicitly says that he was the man. (Or were there two? That would be corroboration for Craig's statements.)

Why did the Chief of the Homicide Bureau investigating the assassination of the President refuse to see a police officer who, in the line of duty, wanted to impart to him, urgently, an observation of first-rate importance?

If Fritz really turned Craig (or the deputy sheriff he couldn't identify) over to Lieutenant Baker for 'questioning,' why didn't the Warren Commission get Baker's testimony in the matter? In the List of Witnesses included with the Report figure two men by name of Baker; both are members of the Dallas Police Department. But one of them is identified in the text as a motorcycle patrolman and the other as a detective. There is no mention of a Lieutenant Baker (why no first name?) in the text, nor is he listed as a witness. And if perchance the Commission did hear him in the matter, why didn't they put his testimony in the record?

How could the Commission accept from Captain Fritz the assertion that he 'couldn't remember' Oswald's remark, as quoted by Craig?

Who were the 'others present'? Why no names, no statements?

Didn't the Commission realize that the story as related by Captain is self-contradictory and therefore certainly untrue?

If Craig was outside the interrogation room, just peering in through the glass window, as Fritz asserts, then it stands to reason that Oswald's remark, as quoted by Craig, cannot physically have been made. Oswald then would have had no grounds for protesting against an identification that was not made.

The proper answer, then, for Captain Fritz, would have been to say: 'You're lying, Craig. You weren't in that interrogation room at all. Therefore, you were unable to hear what was being said in that room and you certainly could not identify the prisoner to his face.'

Instead, Fritz employs the evasive 'can't remember' technique, though it makes no sense whatsoever under the circum-

stances. That his subordinates thereupon should have suffered the same loss of memory can hardly be a surprise.

The reason Fritz preferred the 'can't remember' approach to an outright denial of Craig's statements is evident. There were others present in the interrogation room and, if it ever came to a swearing match, with the heavy penalties of perjury hanging over everybody's head, Fritz might find himself in a spot. Too bad, the Commission let him off the hook so easily.

Note also the manifest flaw in the Commission's own line of reasoning. For the sentence, 'If Oswald had made such a statement, Captain Fritz and others present would *probably* have remembered it,' presupposes the possibility that such a statement could have been made; by the same token, it implicitly admits that Craig was in the interrogation room. For, if he was outside, Oswald's remark is impossible and there is no room for probabilities to be considered.

Fritz also betrayed himself through his arrogant and absurd statements to Commission counsel Joseph A. Ball when the latter brought up the Craig incident. Witness this telltale exchange:

FRITZ: 'One deputy sheriff who started to talk to me but he was telling me some things that *I knew wouldn't help us* and I didn't talk to him but someone else took an affidavit from him. His story that he was telling *didn't fit with what we knew to be true.*'

BALL: 'Craig stated that about 15 minutes after the shooting he saw a man, a white man, leave the Texas School Book Depository Building, run across a lawn, and get into a white Rambler driven by a colored man.'

FRITZ: '*I don't think that is true.*'

The nerve of it! Here Fritz goes so far as to imply not only that Craig's identification of Oswald was wrong, but that the deputy sheriff didn't even see a white man run down the lawn and get into a car.

And what is the basis for Fritz's bold denial of Craig's sworn statement? There is no basis at all. For, at the time this happened—about 12:45—Fritz, according to his own testimony, was at Parkland Hospital and therefore is in no position to judge the validity of Craig's observations.

Fritz's remarks that Craig's report on what he had seen

'wouldn't help us' and 'didn't fit with what we knew to be true' are truly breathtaking in their impudence and defiance of lawful procedure.

Indeed, what Craig saw wouldn't have helped Fritz's cut-and-dried case against Oswald one bit. And indeed it did not fit what the Dallas police 'knew to be true' before any trial was held. For Craig was certainly mistaken in his identification of the man he had seen running. That man was the False Oswald. No, it wouldn't have helped to have this amazing fact come out in a court of law. And so Roger D. Craig, an honest man and a competent officer, had to be slapped down hard. First by Captain Fritz, and then by the Warren Commission.

A Nasty Surprise for Ruby

THE sky fell down on Jack Ruby on November 22, at 12:30 p.m. For, what happened at that moment in Dealey Plaza was not at all what he had meant to accomplish.

When Ruby hired 'H. L. Lee' to do away with Governor Connally with a few well-placed shots to be fired from the Texas School Book Depository (cf. Chapter I), there was no thought in his mind to harm President Kennedy. Ruby rather liked the President, his sister Eva Grant adored him (she kept a big picture of Kennedy in her living room). Nothing was further from Ruby's mind than to help in the assassination of the President of the United States.

For one thing, that was the sort of operation that was bound to 'bring the heat on' in a big way, with the "Feds" swarming all over the place. A most distasteful thought for one who knew well how to accommodate the law locally, but ill-prepared for a tussle with federal authorities. And then, what was the use of killing the President. So you get Johnson instead of Kennedy and that's that. Where's your benefit?

Now, killing Connally, that was something else again. If the Governor won't work with us on paroles and won't let us open up this State, he has to go. That's elementary. Besides, the boys in Chicago are really dead set on getting rid of Connally and it's risky not to do their bidding.

So Ruby, strictly acting under orders, hires a guy to do a job on Connally and even makes sure that nobody else gets hurt. Hadn't he said to 'Lee' explicitly: 'Are you sure you can do the job without hitting anybody but the Governor?' And the guy says, 'I'm sure.'

And now look what's happened. The President is dead, and the Governor is pulling through. Double catastrophe.

Ruby's genuine dismay at this unforeseen turn of events is evident even in the sedate pages of the Warren Report:

'Jack Ruby learned of the shooting of President Kennedy while in the second-floor advertising offices of the *Dallas Morning News*, five blocks from the Texas School Book Depository, where he had come Friday morning to place regular weekend advertisements for his two nightclubs. On arriving at the newspaper building at about 11 or 11:30 a.m., he talked briefly with two newspaper employees concerning some diet pills he had recommended to them. Ruby then went to the office of *Morning News* columnist, Tony Zoppi, where he states he obtained a brochure on his new master of ceremonies that he wanted to use in preparing copy for his advertisements. Proceeding to the advertising department, he spoke with advertising employee Don Campbell from about noon until 12:25 p.m. when Campbell left the office. In addition to the business at hand, much of the conversation concerned *Ruby's unhappiness over the financial condition of his clubs* and his professed ability to handle the physical fights which arose in connection with the clubs. According to Campbell, *Ruby did not mention the Presidential motorcade* nor did he display any unusual behavior.'

A few observations are in order here. In the first place, it must seem strange that Ruby did not mention the Presidential motorcade which at that time was expected to arrive in Dealey Plaza any moment and which of course was the talk of the town. Was Ruby tongue-tied on the subject because he knew something was going to happen?

On the other hand, it should be pointed out here that from the second floor of the tall News Building it is possible to see what goes on in Dealey Plaza, which is just a few short blocks away. Ruby, in all probability, had arranged his schedule so that at the critical moment he would be in a position to watch his hired killer perform.

Because of the News Building's proximity to the scene of the assassination and of course also because every part of a newspaper office is keyed to the news, the next paragraph of the Warren Report stretches credibility:

'About 10 minutes after the President had been shot, *but before word had spread to the second floor*, John Newnam, an advertising department employee, observed Ruby sitting at the same spot where Campbell had left him. At that time Ruby had completed the advertisement, which he had apparently begun

to compose when Campbell departed, and was reading a newspaper. To Newnam, Ruby voiced criticism of the black-bordered advertisement entitled "Welcome Mr. Kennedy," appearing in the morning paper and bearing the name of Bernard Weissman as the chairman of the committee sponsoring the advertisement. According to Eva Grant, Ruby's sister, he had telephoned her earlier in the morning to call her attention to the ad. At about 12:45 p.m. an employee entered the office and announced that shots had been fired at the President. Newnam remembered that Ruby responded with a look of "stunned disbelief."

The time given here by the Commission is totally unbelievable. It is equivalent to saying that for fifteen minutes, while bedlam reigned in nearby Dealey Plaza, with excited crowds billowing to and fro and police sirens wailing all over the place, the offices of the town's leading newspapers were an oasis of peace and undisturbed reading.

By contrast, Newnam's observation of a Ruby exhibiting 'stunned disbelief' when he learned that President Kennedy had been shot is easy to believe.

The emphasis is, or should be, on 'disbelief.' It must indeed have been hard for Ruby to believe that his well-laid plans could have gone so completely awry.

The Warren Report goes on to describe Ruby's shock in vivid colours, evidently to impress the reader with the depth and sincerity of his emotions. But it is a little difficult to imagine a tough little mobster like Ruby being so overwhelmed by the President's death. Rather, the intensity of his shock, which far exceeded the average effect, must be ascribed to a stronger human impulse—naked fear for his own life.

'Shortly afterwards, according to Newnam [the Report goes on], "confusion reigned" in the office as advertisers telephoned to cancel advertising they had placed for the weekend. Ruby appears to have believed that some of those cancellations were motivated by the Weissman advertisement. After Newnam accepted a few telephone calls, he and Ruby walked toward a room where other persons were watching television. One of the newspaper employees recalled that Ruby then appeared "obviously shaken, and an *ashen color*—just very pale . . ." showed little disposition to converse, and sat for a while with a dazed expression in his eyes.'

The ashen pallor is a sign of intense fear rather than of mourning. It may be presumed that the other persons present in the room were at least as deeply shaken by the tragedy of the assassination as that hard-boiled gangster, Jack Ruby. Yet they talked about what happened and noticed Ruby's state of total consternation which left him sitting mute with a 'dazed expression' in his eyes.

He had reason to be dazed and ashen. For in those moments the fate of Jack Ruby hung in the balance, or so he must have imagined. Those were the tense minutes when nobody could tell whether the President would survive; and Ruby couldn't know whether the preordained scapegoat (in his mind for the Connally job only) was going to be caught or whether his man Crafard would be able to get away from the assassination scene.

Yes, Jack Ruby was mortally afraid. And, in that desperate hour, his first impulse was that of every trapped criminal—he wanted to run away. When he had recovered from his stupor, he said to John Newnam:

'John, I will have to leave Dallas.'

That's neither rumour nor speculation, but testimony embodied in the Warren Report. And Ruby himself admitted it before the Commission. Naturally, he was asked to explain. And he said:

'I don't know why I said that, but it is a funny reaction that you feel; the city is terribly let down by the tragedy that happened. And I said, "John, I am not opening up tonight." And I don't know what else transpired. I know people were just heartbroken. . . .'

The Warren Commission saw fit to accept this threadbare 'explanation' at face value. It did not ask itself one simple question: Why should Jack Ruby, of all the million people in the city, have to leave Dallas on account of the assassination? Just because 'the city' felt terribly let down? Or was it a sense of overpowering guilt, of animal fright, that impelled him to utter those strangely revealing words?

Ruby wanted to cut and run because he had a feeling that the game was up. On second thoughts, however, it occurred to him that there was still a few things he could do to avert the impending disaster to himself. Such as going to Parkland Hospital in a hurry (see the following chapter).

Ruby's initial reaction was sheer dismay at a turn of events he could not possibly comprehend. Later, as he sat in his prison cell, brooding over his fate, he came to realize, dimly at first but in the end with dazzling clarity, what really had happened.

Let us turn now to the stenographic record of that historic interview, on June 7, 1964, at the Dallas County Jail, between Earl Warren, Chief Justice of the United States, and Jack Ruby, convicted and doomed murderer. As is well known, a verbatim transcript was published as early as August 18-20, 1964, in the New York *Journal-American* by Dorothy Kilgallen, in the most brilliant scoop of her journalistic career. The authenticity of this document was never in doubt and it has since been confirmed by the publication of the 'Hearings.'

Miss Kilgallen, a keen observer, was baffled by many passages of that transcript, and for good reason. Some of them read, indeed, like the ravings of a maniac. On closer inspection, however, one finds that a common thread runs through most of them: Ruby's realization that he had been *double-crossed* by others more powerful and even more ruthless than himself.

The key phrase in the 102-page transcript of that unprecedented interview is this:

'At this moment, there is a certain organization in this area [Ruby was referring to The John Birch Society, as the transcript shows - J. J.] that has been indoctrinated, that *I am the one that was in the plot to assassinate our President.*'

PLOT. There it is out: the terrible word the Warren Commission, throughout its investigation, has shunned like the plague. And it was uttered by one of the insiders, Jack Ruby. Plainly, flatly he states that there was a plot to assassinate President Kennedy, only he - Ruby - was not in on it.

How could Earl Warren, after this dramatic disclosure, made to his face, still refuse to orient his investigation in the direction of conspiracy?

The editors of the *Journal-American* were duly impressed. They printed the story under the front-page bannerlines:

EXCLUSIVE—RUBY TESTIMONY

BEFORE WARREN INQUIRY

'PLOT' AGAINST JFK: 'I WASN'T IN IT'

Yet, a few months later, the bland assurance of the Warren Report that the Commission had been unable to detect any evidence of conspiracy was blindly accepted by the near-totality of American and world opinion.

There are many other revealing passages in that transcript. Take, for instance, this one:

'... through certain falsehoods that have been said about me to other people, the John Birch Society, *I am as good as guilty as the accused assassin of President Kennedy.* ...' That, coming from the lips of the murderer of the alleged assassin of the President, is quite a statement!

Ruby went on: 'Mr. Bill Decker (the Sheriff) said be a man and speak up. *I am making a statement now that I may not live the next hour when I walk out of this room.*'

Ruby, then, was mortally afraid of being murdered in jail. By whom?

The next passage is also worth quoting:

'Now it is the most fantastic story you have ever heard in a lifetime. I did something out of the goodness of my heart. Unfortunately, Chief Earl Warren, had you been around five or six months ago, and I know your hands are tied, you couldn't do it, and immediately the President would have gotten a hold of my *true story*, or whatever would have been said about me, a certain organization wouldn't have so completely formed now, so powerfully, *to use me because I am of the Jewish extraction, Jewish faith, to commit the most dastardly crime that has ever been committed.*'

Fear that not only he himself, but also his family, even the entire Jewish community would be made to suffer as a result of something he had done runs like a red thread through Ruby's rambling tale. He even envisions a nation-wide pogrom in which the Jewish people are 'exterminated.'

Why? Because he had killed Oswald?

Not at all. *That* almost had made him a hero in the eyes of many people.

Ruby's almost hysterical fear has other roots. For, soon after the assassination, he must have learned about the Jarnagin document, or rather the telephone call the lawyer had put through on October 5, to the Texas Department of Public Safety, denouncing him, Ruby, as a man who was plotting to kill

Governor Connally through rifle shots fired from the Texas School Book Depository.

For close to seven weeks, this explosive information had been in the hands of Texas officials. It had no doubt been communicated to the Dallas Police. As a matter of fact, there is every reason to believe that this was the club the Dallas Police was holding over Ruby's head when they inspired him to kill Oswald. It was a simple proposition of 'either his life, or yours.'

This is the simple yet compelling motive Jack Ruby had for killing Lee Harvey Oswald. He acted in sheer self-preservation. Had Oswald lived, had he perhaps been acquitted for lack of evidence, then Ruby would have been in line as the next scapegoat to be sacrificed by those who had planned to assassinate President Kennedy.

Interestingly, Ruby himself, in his interview by Earl Warren, once used the term 'scapegoat.' He said:

'Because right now, I want to tell you this, I am used as a scapegoat, and there is no greater weapon that you can use to create some falsehood about some of the Jewish faith, especially the terribly heinous crime such as the killing of President Kennedy.'

Ruby's feeling of having been trapped transpires throughout his long, frequently rambling testimony. He was quite right. He had been trapped by people who knew about his plan to kill Governor Connally and appropriated it for their own purpose — as a screen for the assassination of President Kennedy.

Ruby at Parkland Hospital

What Was He Up To?

SETH KANTOR is a competent, reliable newspaperman who has been employed for years by the Scripps-Howard newspaper chain. At the time of the assassination, he was working at the chain's head office in Washington, DC. Along with others, he had been dispatched to Dallas to cover the Presidential parade and he was in the special bus reserved for newsmen.

Dallas was an old haunt for Seth Kantor. For almost two years (September 1960 to May 1962) he had lived there, working for the *Dallas Times-Herald*. During that period, Kantor had come to know Jack Ruby quite well. He later testified that Ruby 'provided me with maybe as many as half-a-dozen feature stories.'

After Seth Kantor, shortly after the assassination, had told the FBI that he had met Ruby at Parkland Memorial Hospital just before the announcement of Kennedy's death was made, i.e. just before 1:30 p.m., he was summoned to appear before the Warren Commission and was repeatedly questioned by counsel. His testimony will be found in Vol. XV of the 'Hearings,' pp. 71-96. In it, Kantor stated:

'Yes; I apparently walked right past him, because the first I was aware of Jack Ruby was that as I was walking, I was stopped momentarily by a tug on the back of my jacket. And I turned and saw Jack Ruby standing there. He had his hand extended. I very well remember my first thought. I thought, well, there is Jack Ruby. I had been away from Dallas 18 months and 1 day at that time, but it seemed just perfectly normal to see Jack Ruby standing there, because he was a known goer to events. And I had my mind full of many things. My next reaction was to just turn and continue on my way. But he did have his hand out. And I took his hand and shook hands with him. He called me by name. And I said hello to him. I said "Hello, Jack," I guess. And he said, "Isn't this a terrible thing?"'

I said, "Yes"; but I also knew it was no time for small talk, and I was most anxious to continue on up the stairway, because I was standing right at the base of the stairway.'

In answer to a question, Kantor specified that he had been standing 'inside the building, just immediately inside the building.'

According to Kantor, Ruby 'had quite a look of consternation on his face - which is of course further evidence that Ruby had suffered a shock unrelated to mourning over the President's death.

'He looked emotional - which also seemed fitting enough for Jack Ruby,' Kantor went on to state. 'But he asked me, curiously enough, he said, "Should I close my places for the next 3 nights, do you think?"'

Between the time Kantor first told the FBI and that of his appearance before the Commission, Ruby had of course been acquainted with the newsman's testimony. He 'vehemently denied' the assertion, as counsel for the Commission later told another witness (see below).

Why the vehemence of this denial? What was basically wrong with Ruby's having been at Parkland Hospital? Besides officials, and members of the Presidential party, a lot of people had gone out to the hospital to find out for themselves, how the victims of the shooting were doing.

What particular reason did Ruby have not only to deny Kantor's allegation, but to do so *vehemently*, when there was nothing in it that could possibly incriminate him in any way?

He had an excellent reason, as we shall see shortly.

When asked by counsel, 'Well, do you have any question in your mind that you did see Ruby out at Parkland Hospital?' Kantor replied: 'If it was a matter of just seeing him, I would have long ago been full of doubt. But I did talk to the man, and he did stop me, and I just can't have any doubt about that.'

Counsel for the Commission did his utmost to try to get Kantor to change his mind, but to no avail, as is evidenced by this exchange:

Q. - 'When we recessed yesterday we had asked you to check on certain notes and documents. I want to ask you before we get into that, however, one final question in respect to what we did cover yesterday, and I want to ask you to search your mind

and tell us what doubts, if you have any, that you might have that the man who you have identified as Jack Ruby, Parkland Hospital on November 22 was indeed Jack Ruby?'

Why this urgency, why this insistence? Why should it matter so much to the Warren Commission that Jack Ruby had *not* been at Parkland Hospital? What would be so terribly wrong with his having been there?

Kantor was not to be thrown off. He replied:

'Well, I would like to say that a little more than 6 months have passed and I think I have doubted almost anything in searching my memory which has happened over a period of 6 months or more in my lifetime. I think if you think about something a good deal you wonder whether it actually happened. However, I was indelibly sure at the time and have continued to be so that the man who stopped me and with whom I talked was Jack Ruby. I feel strongly about it because I had known Jack Ruby and he did call me by my first name as he came up behind me, and at that moment under the circumstances, it was a fairly normal conversation.'

Kantor's recollection is so strong, his testimony is so unequivocal that there surely is no need for corroboration. Yet, significantly, such corroboration is at hand. It comes from a woman named Mrs. Wilma Tice who also saw Ruby at the hospital at the time Kantor said he did. She also testified under oath before Commission counsel. When he said to her:

'Mrs. Tice, did you know that Jack himself has very vehemently denied he was out at the hospital,' she replied sarcastically, 'If it wasn't him, it was his twin brother.'

'Do you think you could have been mistaken about the man you saw?' she was asked. Her reply: 'It could have been somebody else that looked just like Jack, named Jack; yes.'

In spite of the concordant testimony of Seth Kantor and Wilma Tice, the Warren Commission, unbelievably, 'concluded' that Jack Ruby had not been at Parkland Hospital. In support of this arbitrary contention, the Commission set up one of those fanciful time schedules that abound in the Warren Report (for instance in the Tippit murder case). Says the Report:

'Kantor probably did see Ruby at Parkland Hospital in the few minutes before or after 1:30 p.m., the only time it would have been possible for Kantor to have done so. If Ruby imme-

diately returned to the Carousel Club after Kantor saw him, it would have been necessary for him to have covered the distance from Parkland in approximately 10 or 15 minutes in order to have arrived at the club before 1:45 p.m. when a telephone call was placed at Ruby's request to his entertainer, Karen Bennett Carlin. At a normal driving speed under normal conditions the trip can be made in 9 or 10 minutes. However, it is likely that congested traffic on November 22 would have extended the driving time. Even if Ruby had been able to drive from Parkland to the Carousel in 15 minutes, his presence at the *Dallas Morning News* until after 1 p.m., and at the Carousel prior to 1:45 p.m., would have made his visit at Parkland exceedingly brief.'

No portion of this contrived calculation will stand up to scrutiny. In the first place, it is not a question of 'a few minutes before or after 1:30 p.m.', as the Report has it. Kantor explicitly had stated that—and I quote textually from the Report—'he turned briefly to Ruby and proceeded to the press conference at which the President's death was announced.' This announcement was made at 1:30 p.m. Therefore, Kantor's encounter with Ruby took place at least a minute or two *before* 1:30, not afterwards.

Secondly, the Commission concedes that 'at a normal driving speed under normal conditions' the trip from Parkland Hospital to the Carousel can be made in nine or ten minutes, but then goes on to qualify that statement by saying that congested traffic conditions on November 22 would have extended the driving time. This is a specious argument, for these congested conditions existed only for *outbound* traffic, i.e. for cars heading for the Hospital and/or the Trade Mart. Ruby, going back to the Carousel would have encountered no jams for *inbound* traffic along Stemmons Freeway was perfectly normal at that time. Moreover, Jack Ruby, that great and good friend of all Dallas policemen, could at any time have gotten a ride in a police car and thus speeded back with sirens screaming, regardless of traffic conditions. It is worth noting in this respect that Captain Fritz, when interviewed by Commission counsel Joseph Ball (see above) testified: '... we arrived at the hospital at 12:45 if you want that time, and at the scene of the offense at 12:58.' In other words, Fritz was back at the TSBD within

thirteen minutes after his arrival at Parkland where he presumably had some official business to attend to that must have taken at least a few minutes.

Finally, the Commission's argument that the little time available would have made Ruby's visit at Parkland 'exceedingly brief' does not hold water either. For the business that took him to the hospital required only a few minutes. What was that business? The answer will be found in the strange story of THE STRETCHER BULLET.

Says the Warren Report: 'A nearly whole bullet was found on Governor Connally's stretcher at Parkland Hospital after the assassination. After his arrival at the hospital the Governor was brought into trauma room No. 2 on a stretcher, removed from the room on that stretcher a short time later, and taken on an elevator to the second-floor operating room. On the second floor he was transferred from the stretcher to an operating table which was then moved into the operating room, and a hospital attendant wheeled the empty stretcher into an elevator. Shortly afterward, Darrell C. Tomlinson, the hospital's senior engineer, removed this stretcher from the elevator and placed it in the *corridor on the ground floor* [italics mine—J. J.], alongside another stretcher wholly unconnected with the care of Governor Connally. A few minutes later, he bumped one of the stretchers against the wall and a bullet rolled out.

'Although Tomlinson was not certain whether the bullet came from the Connally stretcher or the adjacent one, the Commission has concluded that the bullet came from the Governor's stretcher. That conclusion is buttressed by evidence which eliminated President Kennedy's stretcher as a source of the bullet. President Kennedy remained on the stretcher on which he was carried into the hospital while the doctors tried to save his life. He was never removed from the stretcher from the time he was taken into the emergency room until his body was placed in a casket in that same room. After the President's body was removed from that stretcher, the linen was taken off and placed in a hamper and the stretcher was pushed into trauma Room No. 2, a completely different location from the site where the nearly whole bullet was found.'

In this last paragraph, the Commission once more is guilty of one of those fantastic somersaults in logic which abound in the

Warren Report. Having 'concluded' — on no particular grounds — that the bullet came from the Governor's stretcher rather than from the adjacent one, it finds this conclusion 'buttressed' by evidence which eliminates another stretcher in a different room, on a different floor, as the source of the bullet. How on earth can the fact that Kennedy's stretcher, far removed from the other two, must be ruled out as a possible source of the bullet help determine which one of the two ground floor stretchers was the one from which the bullet had rolled? It is truly amazing that a Commission composed of seven distinguished men, served by a whole regiment of competent lawyers, can let such monumental blunders slip into their report.

Nor is that all. Again, as on innumerable other occasions, a careful scrutiny of the evidence as embodied in the 'Hearings' shows that the 'conclusions' of the Warren Commission are belied by its own findings. For the record (Vol. VI, pp. 128-134) proves that Mr. Tomlinson, far from being uncertain about the question, had testified that to his 'best recollection' the bullet had fallen off the stretcher *which had not been on the elevator*, i.e. the one the Report says was 'wholly unconnected with the care of Governor Connally.'

Now this is, of course, a startling disclosure that could not possibly please the Commission. What was the bullet doing on the *third* stretcher, the one that had nothing to do with the shooting of either Kennedy or Connally? Is that thinkable?

It is not only possible, but a logical certainty that the bullet came off the third stretcher. For, it is a matter of course that the stretcher on which Governor Connally had lain, bleeding profusely from multiple wounds, had been disposed of in the same manner as Kennedy's. That is to say, after Connally had been removed from his stretcher, *the linen was taken off* and put in a hamper, the same as was done in the case of Kennedy's stretcher. Or can anyone imagine a stretcher still covered with blood-spattered linen being taken down from the operating theatre to the ground floor, there to await the arrival of new patients?

This is, of course, the unstated reason why Mr. Tomlinson didn't think that the bullet came from Connally's stretcher. As the hospital official in charge of stretcher operations he must have known that no bullet can possibly have remained un-

noticed on a stretcher which had been stripped of its linen, then put in an elevator and wheeled back into line on the ground floor.

There still remains the seeming mystery of how the bullet got on the stretcher adjacent to Connally's. That mystery, too, dissolves at a glance at Tomlinson's testimony. Contrary to what the Report says on the subject, it was not Tomlinson himself who pushed the stretcher with the result that a bullet fell off. On the contrary, he testified that at least one other person whom he could not identify had handled one of the stretchers just before the bullet was found. It was this man, not Tomlinson, who 'pushed the stretcher' and moments later a bullet 'rolled out.'

What really clinches the case, however, is Tomlinson's observation (carefully omitted in the Warren Report) that the bullet, before it fell to the floor, '*apparently had been lodged under the edge of the mat*' of the stretcher. In other words, it had been hidden there.

All this would make little sense, to be sure, but for the very special role which the Warren Commission assigned to this particular bullet. *For this bullet, known as Exhibit 399, is the only definite link between Lee Harvey Oswald's rifle and the assassination.* Or, rather it would be, if it could be established that this bullet was used in the shooting in Dealey Plaza.

The Warren Report says on this score: 'After making independent examinations, both Frazier and Nicol (FBI firearms experts) positively identified the nearly whole bullet from the stretcher and the two larger bullet fragments found in the Presidential limousine as having been fired in the C 2766 Mannlicher-Carcano rifle found in the Depository to the exclusion of all other weapons.'

I am not going here again into the question whether a Mannlicher-Carcano rifle really was found at the Depository, as this matter has been covered adequately elsewhere; nor into the question whether the experts really could make such a firm determination from the two bullet *fragments* (they certainly would have been challenged in court); nor, finally, into the question whether a '399' can have pierced the bodies of both Kennedy and Connally — as the Commission says it did — and emerge nearly intact.

What really matters in the present context is that a bullet in excellent shape that could easily be identified as having been fired from Oswald's rifle was found close to Governor Connally's stretcher under circumstances which clearly indicate that it had been hidden under the mat of the adjacent stretcher.

Who, at that early moment—within an hour after the shooting in Dealey Plaza—had an obvious interest in concealing a bullet from Oswald's rifle in a place where it was bound to be discovered sooner or later and connected with the *wounding of Connally*, rather than with the assassination of President Kennedy?

Who but Jack Ruby?

He is the one who had hired 'H. L. Lee' to kill the Governor. He is the one who had in his employ a young man of striking resemblance to Lee Harvey Oswald precisely during the period in which a False Oswald planted a dozen false clues against Lee Harvey. He, Jack Ruby, had a dominant interest in arranging things in such a manner that the preordained scapegoat, Oswald, could be quickly and effectively convicted at least of having fired at Governor Connally. That would get Ruby and his man Crafard off the hook.

In this connection, it should be remembered that in the early press dispatches from Dallas the possibility that Oswald really had wanted to kill Connally and that Kennedy was accidentally hit had been frequently discussed. After Oswald's death, this theory was encouraged by certain officials. Most notably, Judge Joe Brown, who conducted the Ruby trial and sentenced him, still adheres to this view. In a TV interview, on November 28, 1965, Brown once again expressed the view that Oswald never meant to assassinate the President but merely wanted to kill the Governor whom he allegedly hated. All this, of course, is part of the cover-up which still goes on. If the tragedy of November 22, 1963, could be reduced to an abortive attempt on Connally's life, those who planned to assassinate the President, and who took the plot out of Ruby's hands, will be able to sleep easier.

For Jack Ruby, that dash to Parkland Hospital to plant a bullet there that had presumably been fired before from Oswald's rifle which Ruby and confederates had surreptitiously

removed from Mrs. Paine's garage, was an act of self-preservation, as was the subsequent killing of Oswald.

The Warren Commission undoubtedly had a hunch, if indeed it did not know outright, that this had been Ruby's purpose. That is why they had to disprove at all cost the sworn testimony of two eyewitnesses who had seen Ruby at the hospital.

Once you start covering up, you have to go all the way, regardless of consequences.

Ruby's Lethal Secret

At the end of the British edition of *Oswald: Assassin or Fall Guy?*, published in January 1965, a short paragraph was added which did not get into the original US edition that had come out in June 1964. It read:

'Martin didn't act as Ruby's lawyer. The first man who took that job was Constance Alfred Droby, President of the Criminal Bar Association of Dallas who was interviewed by Jean Campbell for the *London Evening Standard* of October 7, 1964:

"I said I would defend Jack," he told me . . . "but I had to give it up before I really started, as my wife's life was threatened by anonymous phone calls and we were told our house was to be blown up by dynamite." However, Droby told me that as Ruby's attorney he had rushed around to Ruby's apartment soon after the shooting with Jim Koethe, a Dallas news reporter.

"The place was in chaos. I think we were the first people to see it."

"You remember anything especially?" I said.

"No, just chaos and newspapers," Droby answered. "I wonder if Jim Koethe saw anything?" I asked.

'Mr. Droby folded his hands and leaned forward: "Koethe's murdered," he said. "He was choked to death the Monday before last."

At the time, I didn't pay much attention myself to this paragraph which actually had been inserted by my publisher just before the book went to press. The names of Droby and Koethe didn't mean much, if anything, to me then.

It was not until I read Penn Jones Jr.'s remarkable series of articles in *The Midlothian Mirror*, which he later combined in his book *Forgive My Grief*, that I realized the extraordinary significance of the Koethe murder.

'Shortly after dark a meeting took place (on November 24, 1963) in Ruby's and Senator's apartment in Oak Cliff,' Mr. Jones

wrote. 'George Senator and Attorney Tom Howard were present and having a drink in the apartment when two newsmen and two attorneys arrived. The newsmen were Bill Hunter of the *Long Beach (Cal.) Press Telegram*, and Jim Koethe of the *Dallas Times-Herald*. Attorney C. A. Droby of Dallas arranged the meeting for the two newsmen.

'Droby insists that he only arranged the meeting. He says he did not accompany the other five men on a tour of the apartment, nor did he hear any of the conversation which went on. *But the lives of three who accompanied Senator about the apartment have been taken.* [Italics mine - J. J.]

'We learned this week that Attorney Jim Martin, close friend of George Senator, was present for the apartment meeting. Martin did not testify before the Warren Commission, but he told this editor he heard the conversations during the visit of the newsmen. He could not remember anything that was said, but he was sure there was nothing significant. "Certainly there was nothing said that would make Senator lie about it."

'We asked Martin if he did not feel it was unusual for Senator to call Martin about the killing of Oswald before the announcement was made that Ruby had done the shooting (Vol. 14, p. 245). Martin said this editor was wrong, but later said: "You are telling me something I didn't know about."

'We asked Martin if he thought it was unusual for Senator to forget the meeting while testifying in Washington on April 22, 1964, since Bill Hunter, who was a newsman present at the meeting, was shot to death across the nation in Long Beach, California, that very night. Martin grinned and said:

"Oh, you are still looking for conspiracy."

'We nodded yes and he grinned and said: "You will never find it."

'We asked: "Never find it, or not there?"

'He added soberly: "Not there."

About the manner in which the two newsmen present at that meeting lost their lives, Mr. Jones gave the following details:

'Bill Hunter, a native of Dallas and an award winning newsman in Long Beach, was on duty and reading a book on the night of April 24, 1964, in the police station called the 'Public Safety Building' in Long Beach, California. Two policemen going off duty came into the press room and one shot Hunter through the

heart at range officially ruled to be "more than three feet." The policeman said he dropped his gun, and it fired as he picked it up, but the angle of the bullet caused him to have to change the story to one of quick draw with his fellow officer. The other officer testified that he had his back turned when the shooting took place.

'Hunter, who covered the assassination for his paper, the *Long Beach (California) Press Telegram*, had written:

"Within minutes of Ruby's execution of Oswald before the eyes of millions watching television at least two Dallas attorneys appeared to talk with him.

"He didn't tell us anything," one of the attorneys told the press after the first brief meeting. "He just listened. He paid for advice."

'Hunter was quoting Tom Howard who died of a heart attack in Dallas, Texas, a few months after Hunter's death. Lawyer Tom Howard was observed acting strangely to his friends two days before his death. Howard was taken to the hospital by a "friend," according to the newspapers. No autopsy was performed.

'*Dallas Times-Herald* reporter Jim Koethe was killed by a karate chop to the throat just as he emerged from a shower in his apartment in Dallas on September 21, 1964. His murderer was not indicted.

'What went on in that significant meeting in Ruby's and Senator's apartment? Few are left to tell. . . .'

Elsewhere in his book, Mr. Jones wrote:

'After what has happened to those present at the meeting, one can presume it was an important meeting on that Sunday night. At least six persons were present for the meeting and three of them have died strangely. A reasonable man would wonder if Senator accidentally revealed something important that particular night.'

Here Mr. Jones puts the finger on the sore spot. This is undoubtedly what happened at that mysterious Sunday night meeting in Ruby's apartment. Showing the newsmen and the lawyers around the place, Senator must have dropped a hint or in some other manner inadvertently have revealed Ruby's terrible secret: THE SECRET OF THE FALSE OSWALD.

Was it a picture of Larry Crafard the party stumbled upon,

instantly realizing the enormous significance of that young man's uncanny resemblance to Lee Harvey Oswald?

Or did they perhaps chance to come upon Crafard himself?

The Warren Report says that Crafard had absconded the day before, Saturday, shortly before noon. But there is nothing in it to *prove* that he really did – at that time.

In describing the highly suspicious circumstances in which Crafard took French leave from his employer, the Warren Report is purposely vague and ambiguous, to the point of sounding totally unconvincing:

'The automobile driver who provided Crafard his first ride from Dallas has been located; his statement *generally* conforms with Crafard's story. . . .'

Why doesn't the Commission give us the name of that driver? Why didn't it put his statement in the record? What does it mean by saying that his statement 'generally' conforms to Crafard's story? Were there discrepancies, then, as this wording suggests?

The Commission concedes that 'Crafard's peremptory decision to leave Dallas might be unusual for most persons,' but it can't find any 'evidence to suggest any connection between Crafard's departure and the assassination of the President or the shooting of Oswald.' No, because they weren't looking.

As long as there isn't hard and fast proof that Crafard did leave Dallas on Saturday, November 23rd, the suspicion is warranted that he actually stayed on in the city until after the shooting of Oswald by Ruby. The lateness of the FBI's finding of Crafard in Michigan, November 28, strongly supports that assumption.

Did Crafard go back to Ruby's apartment that Sunday afternoon to search for papers, pictures and other things that might reveal his identity as The False Oswald?

Somebody did get to the apartment soon after the shooting, that much is certain. Remember what Droby said of the state it was in when the party of six newsmen and lawyers got there: '*The place was in chaos.*'

Chaos usually results in an apartment when it is searched in great haste by a stranger. From all indications, then, the six visitors to Ruby's apartment stumbled upon either Crafard

himself as he was in the process of ransacking drawers and other recesses, or else the telltale vestiges of his frantic search.

George Senator, Ruby's roommate, was not in the apartment that afternoon, as his testimony before the Warren Commission establishes.

He testified that after he had learned of the shooting of Oswald, while having breakfast at the Eatwell Café, he went to the house of his lawyer-friend, Jim Martin. After that he spent some time at the jail where his room-mate Ruby was being held and then met again with Martin and another attorney, who he claimed he didn't know, at the TV Bar close to the courthouse. Although Senator, in answer to a direct question from Commission counsel Burt Griffin, "Was Tom Howard at the TV Bar at that time," stated that he didn't remember, circumstances suggest that the third member of the group was indeed Howard.

Senator never mentioned the fact that the three of them, later joined by Droby and the two newsmen Hunter and Koethe, then went to Ruby's apartment, but makes it appear as though, from the TV Bar, he had gone directly to Jim Martin's house to spend the night there. What he told the Commission to explain why he had sought the lawyer's hospitality, that night, instead of returning to Ruby's (and his own) apartment is highly significant. Let me quote from the record:

(Commission counsel) LEON D. HUBERT: 'And you did go there (to the TV Bar) and talked to Martin and the other lawyer?'

SENATOR: 'Yes, the other attorney.'

HUBERT: 'How long were you with them?'

SENATOR: 'If I recall right, I would say we sat in that bar and had two or three beers, if I remember right. I think I said to Jim, "I don't have a place to sleep or a place to go," because I was afraid to go home.'

HUBERT: 'You told that to Jim Martin?'

SENATOR: 'I told that to Jim, and I believe—wait a minute now—I believe, I am not sure but I think I went to his house and he said he would put me up on the couch [Mr. Martin has confirmed that—J. J.] if I was afraid to go anywhere, which I was. From there on in I was afraid to go home.'

HUBERT: 'Why?'

SENATOR: 'Why was I afraid to go home? Well, I was just scared, that is all.'

HUBERT: 'Of what?'

SENATOR: 'I don't know of what, but I was scared.'

HUBERT: 'Obviously you were scared that somebody might try to hurt you.'

SENATOR: 'Very possibly, yes; or something like this. Now who or what I don't know but that was the instinct I had. As a matter of fact, I was scared for about 10 days after that.'

HUBERT: 'You mean you were scared for 10 days after being—'

SENATOR: 'In other words, for about 10 days I was afraid to sleep in the same place twice. Who I was to fear I don't know, but just the normal thing, I was afraid.'

It never came out, in this questioning, who or what George Senator was so scared of he wouldn't sleep twice in the same place for ten days. As in other parts of his testimony, Senator is extremely evasive and pleads loss of memory. And Commission counsel cautiously refrains from pressing him too hard.

Chances are that the person Senator was afraid of was none other than his former friend and associate in Ruby's service, Larry Crafard. It is most significant, in this respect, that Senator's nameless fears ended just about the time Crafard was located in Michigan by the FBI and taken under the wings of the law.

Jim Koethe. Bill Hunter. Tom Howard. Three victims of Ruby's lethal secret.

Besides them, at least a dozen other people who in some way or other were drawn into the whirlpool created by the assassination have also lost their lives in quick succession in more or less suspicious circumstances. Not all of them may actually have been murdered, but the combined effect of so many unexplained or hard-to-explain deaths must be to suggest an organized holocaust designed to eliminate potential witnesses who might come forward some day to tell the truth about what really happened at Dallas in those tragic days of November 22 to 24, 1963.

There is Mrs. Earlene Roberts, the housekeeper at Oswald's rooming-house, who wouldn't identify the white jacket found near the Tippit slaying scene as belonging to Oswald and who testified that while Lee Harvey was in his room a police car parked in front of the house and honked twice; she died on January 9, 1966, under mysterious circumstances.

About her death, Penn Jones, Jr., has observed: 'Our information leads us to believe Mrs. Roberts, who suffered from a severe case of diabetes, was badgered by the Dallas Police and had one conviction for driving while intoxicated after she testified before the Commission.'

Warren Reynolds miraculously survived an attempt on his life made at close range by a gunman on the night of January 23, 1964, two days after he had refused, in an FBI interview, to identify Oswald as the man he had seen running from the Tippit murder scene. After that, Reynolds changed his story and made a 'positive identification' of Oswald when testifying before the Commission in June of the same year.

After this shooting, a local police character named Darrell Wayne Garner was arrested as a prime suspect and held on a charge of assault to murder; the charges were dropped after his girl friend, Nancy Jane Mooney, a former stripper at Ruby's Carousel, had provided him with an alibi for that night. A week later, Miss Mooney was picked up by police on a charge of 'disturbing the peace,' and promptly 'hanged herself in her cell,' according to the police.

Henry Thomas (Hank) Killam, a marginal character in the great drama, also died a violent death. He was the husband of Wanda Joyce Killam, who had known Jack Ruby for many years, in fact ever since he came to Dallas in 1947. She had worked at the Carousel for two years (although the Warren Commission says it was only from July to early November, 1963). Curiously enough, a friend of the couple, John Carter, a housepainter like Killam, was also a boarder at the rooming-house where Oswald lived. About him, and his fellow-worker Killam, Penn Jones writes:

'To this writer it seems more than passing strange that so little information is given on Carter by the FBI or the Commission. . . . Hank (Killam) and John Carter worked together on several painting jobs. Carter visited in the Killam home. How is it possible that he was such good friends with the Killams, whose wife worked for Ruby, and yet Carter never heard of Ruby [as he had stated in a deposition - J. J.]? The Warren Commission should provide the answers because of the strange death of Hank Killam.

'According to Wanda Joyce Killam, her husband was con-

~~stantly hounded by Federal Agents~~" after the assassination. Killam lost jobs repeatedly in Dallas when Agents would call on the job and cause Killam to lose time from his work for more questioning, she told this writer.

'If Killam was such an interesting person to Federal authorities, with regard to the assassination, the public should have been so told by the Commission.

'In desperation Killam left Dallas in search of peace, and for a chance to hold a job and make a living for his wife.

'Killam drifted from place to place, but found what he thought was respite in Pensacola, Florida. He got a job and had telephoned his wife to come to him in Pensacola.

'On the morning of March 17, 1964, Hank Killam was found dead on the streets of Pensacola with his throat cut.

'The newspapers there conjectured that Killam had either fallen or jumped through a plate glass window and cut his throat. The papers did not include the possibility that he might have been pushed through the plate glass.'

James Alfred Markham, a son of Mrs. Helen Markham, the 'star witness' of the Dallas Police (and the Warren Commission) in the Tippit slaying, was arrested at his mother's home, on June 30, 1964, on a charge of burglary, after she had changed parts of her story and a brother, William Edward, had talked freely to independent investigators. 'While trying to escape,' the Warren Report innocently states, 'he (James Alfred) fell from the bathroom of the apartment to a concrete driveway about 20 feet below. He was taken to Parkland Memorial Hospital, treated for injuries, and after 6½ hours was taken to jail.' An old, familiar story, with a new twist.

Did Dorothy Kilgallen also die (in November 1965) because she knew too much? Penn Jones, Jr., feels that way. In an article entitled 'Was it a Mickey?' he wrote: 'Now we can add to that list of strange deaths that of Miss Dorothy Kilgallen. . . . Miss Kilgallen is the only journalist who was granted a private interview with Jack Ruby since he killed Lee Oswald. Judge Joe B. Brown granted the interview during the course of the Ruby trial in Dallas - to the intense anger of the hundreds of other news people present. . . .'

William Whaley, the cab driver, who took Oswald home part of the way from the TSBD, was killed on December 18, 1965, in

an extremely rare collision with another taxi which the local people view with justified suspicion (cf. the remarks by Oran Brown on this 'accident' on p. 96). Whaley had incurred the wrath of the Dallas Police among other things by exposing, in his testimony before the Warren Commission, how the 'line-up' of Oswald had been rigged by the police.

Karen Bennett Carlin ('Little Lynn'), one of Ruby's strippers who seems to have been particularly close to him, is also reported to have died in 1966. Details are not available.

The last name—to date—to be added to this tragic list is that of Lee Bowers, Jr., the railroad towerman, who from his fourteen-foot observation tower in the area between the TSBD and the Triple Underpass had a matchless view of the assassination scene. From this high perch, Mr. Bowers had observed some very interesting things that didn't fit at all into the pattern of the Warren Commission inquiry: three automobiles entering an area that had been ostensibly closed to all traffic by the police, one of which lingered suspiciously 'just above the assassination site'; two men standing near a fence in the grassy hill area (which several witnesses have identified as a source of the shots), just before the shots were fired; and a 'flash of light' occurring in that same area at the precise moment President Kennedy was hit.

In any new investigation, Lee Bowers certainly would have been a key witness. Now he, too, has been silenced for ever. On August 9, 1966, Bowers was killed in another car crash just as suspicious as the one that had taken Whaley's life a few months earlier.

This list is probably incomplete. It may be years before a complete compilation can be made of all the violent deaths that have overtaken the witnesses in the Triple Murder drama of November 22-24, 1963. And the end is not yet in sight.

Since this was written the list has been lengthened by a further seven names: they are Ed Benavides, Frank Martin, Marion Walle, Harold Russell, James Worrell, David Ferrie and George Piazza. Space does not allow for a comprehensive account of the part each played in the drama. It is worth noting, however, that Ed Benavides was the brother of Domingo and resembled him (see p. 193), and that Harold Russell was another of the witnesses who saw a man running from the shooting of Officer Tippit. James Worrell claimed to have seen a man running from the rear of TSBD shortly after the assassination. When testifying before the Commission he stated that he was unable to see his face.

PART II

The Case Against the Dallas Police

(How Oswald was Framed)



A photograph which appeared in the *Dallas Morning News* on November 22, 1963 with the caption: "This is the sixth floor window where the killer lay in wait." The photograph carried no attribution. At the time the official story was that President Kennedy had been shot on Houston Street, i.e. as the car approached the Book Depository.

How the Evidence was Tampered with

If it can be demonstrated, in only one instance, that material evidence of first-rate importance was deliberately doctored by the Dallas police so as to make it fit in with the official version — then, I submit, all the allegations of that police become automatically suspect.

This proof is now at hand, thanks to the Warren Report. It is visual, photographic, documentary proof and therefore conclusive. No 'speculation' here, and no 'rumors.' ~~Evidence strong~~ enough to support a demand for the indictment of Dallas Police Chief Jesse E. Curry and of his top assistants, in particular Captain J. Will Fritz, Chief of the Homicide Bureau, on charges of complicity in the Kennedy assassination.

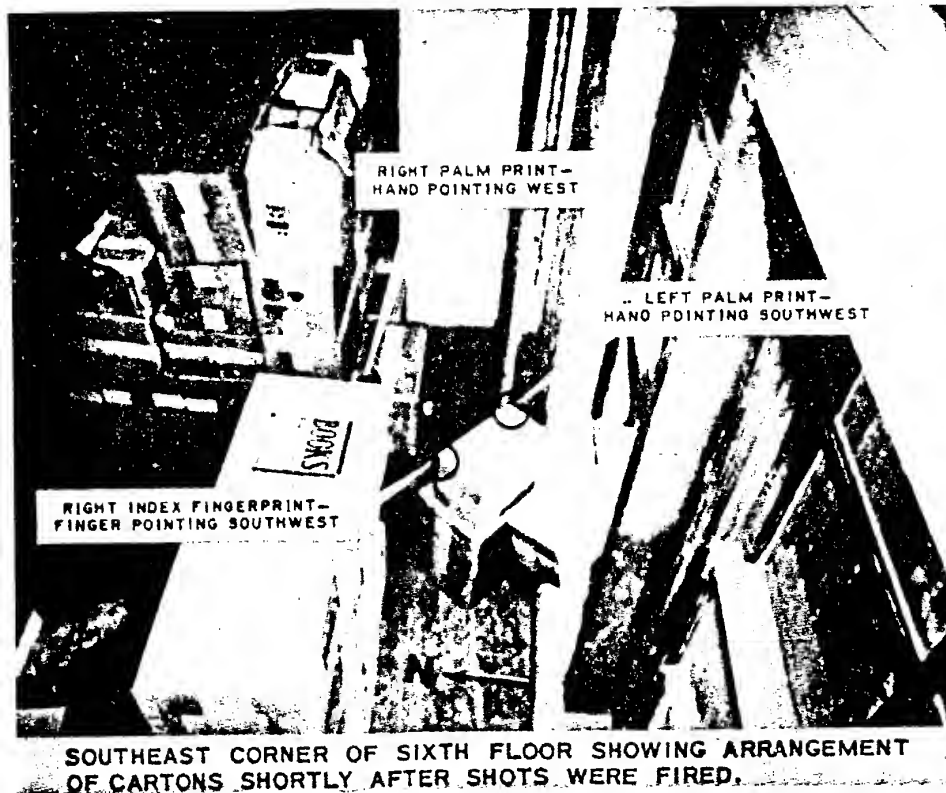
The proof that they wilfully and deliberately altered the material evidence they were supposed to guard is provided by three news pictures of unquestionable authenticity viewed in conjunction.

The first is a photo attached to the Warren Report and labeled 'Commission Exhibit No. 1301.' It purports to show the layout of the cartons that made up the sniper's nest at the sixth-floor window of the Texas School Book Depository (hereinafter abbreviated TSBDD) such as it is supposed to have been found by the police when they arrived.

This official picture bears the legend: 'Southeast Corner of Sixth Floor Showing Arrangement of Cartons Shortly after Shots Were Fired.'

The second is a photo published by the *Dallas Morning News* on November 23, 1963, on page 3 of Section 1. This picture, with the caption, 'This is the sixth-floor window where the killer lay in wait,' shows an entirely different arrangement of the cartons.

The third is a news picture snapped by Thomas Dillard, chief photographer of the *Dallas Morning News*, as he rode in a press car in the Presidential motorcade, immediately after the shots



This is the photograph that was published in the Warren Report. It shows the window from which Oswald allegedly fired three shots at President Kennedy and the caption clearly draws attention to the arrangement of the cartons. At this time the official story was that Kennedy was shot on Elm Street. The difference in the angle of fire between this and the original story was at least 90° and the cartons had had to be re-arranged accordingly. Oswald was now said to be shooting at a receding target from a sitting position.

were fired. 'According to Dillard,' says the Warren Report, 'at the time the shots were fired he and his fellow passengers "had an absolutely perfect view of the School Depository from our position in the open car."' He took two pictures which so impressed the Warren Commission (but not for the reason we shall discuss here) that they were incorporated into their Report as 'Dillard Exhibit C' and 'Dillard Exhibit D.'

Dillard Exhibit C provides a good view of the two top floors of the TSBD. At the open windows of the fifth floor appear the startled faces of two Negro men and it is this portion of the picture the Warren Commission is interested in. What interests us here, however, is the upper half of the photo which shows the half-open window from which the shots have just been fired. And in the open half of that window a pointed object is visible.

It is the tip of a carton. And this tip proves, by its position, that the photo published in the *Dallas Morning News* shows the original and authentic layout of boxes in the sniper's nest. And, by the same token, and in conjunction with the *Dallas News* picture, Dillard Exhibit C proves, beyond question, that Commission Exhibit No. 1301 is a fake. For there cannot be two conflicting snapshots of the arrangement of boxes as the police found them.

Let us probe further into the origins and significance of these three tell-tale pictures.

To begin with, this quotation from the Warren Report:

'Shortly after the assassination, police officers arrived at the Depository Building and began a search for the assassin and evidence. Around 1 p.m. Deputy Sheriff Luke Mooney noticed a pile of cartons in front of the window in the southeast corner of the sixth floor. Searching that area he found at approximately 1:12 p.m. three empty cartridge cases on the floor near the window. When he was notified of Mooney's discovery, Capt. J. W. Fritz, chief of the homicide bureau of the Dallas Police Department, issued instructions that nothing be moved or touched until technicians from the police crime laboratory could take photographs and check for fingerprints. Mooney stood guard to see that nothing was disturbed. A few minutes later, Lt. J. C. Day of the Dallas Police Department arrived and took photographs of the cartridge cases before anything had been moved.'

NOT TILL
1:12

Note, in passing, the strange wording of this first sentence of this paragraph: 'Shortly after the assassination. . . . President Kennedy was fired upon and critically wounded at 12:30, but he was not pronounced dead until 1 p.m. Until that time, there was no assassination, only a shooting and an attempt on the life of the President. Had he survived, miraculously, the further course of events would have been totally different. There was, then, a half-hour of suspense, from 12:30 to 1 p.m., during which nobody in authority could know for sure whether they would be dealing with a Kennedy or a Johnson Administration. That suspense is clearly reflected in the timing of the Dallas police's moves. They had, within a few minutes after the fusillade, precise information as to the place where the shots had been fired from, ~~yet they did not move in for a close look until the President was dead.~~ Then they suddenly 'discovered' what had been crying out for discovery for 30 to 40 minutes.

Technically, then, the Warren Report is correct in saying that police officers arrived on the scene 'shortly after the assassination.' They did, indeed, wait for the accomplished fact to be duly recorded. But the Warren Commission certainly did not mean to convey this impression. They, of course, meant to say that the police took charge right after the shooting and it is thus that the above-cited paragraph has been generally understood. Yet, consciously or unconsciously, the Warren Commission has betrayed, by the choice of its wording, a story also told by the clock: during that decisive half-hour, while the President's life hung in the balance, the guardians of the law did not budge. They played a waiting game. They played it safe.

The failure of the Warren Commission to probe into the reasons for this procrastination constitutes one of its gravest sins of omission.

I'll come back, in a subsequent chapter, to the delaying tactics adopted by the Dallas police in a matter of the highest urgency: the assassination of the Chief Executive. There is every reason to believe that the temporary escape of the appointed fall guy, Lee Harvey Oswald, also had something to do with it. What we are concerned with here is that the death of President Kennedy, the accomplished fact that revolutionized the Administration and brought about the end of an era, was a necessary prerequisite to the first thing the Dallas police had in mind when they finally

shook off their torpor and started to move: tampering with the material evidence. (With Kennedy still alive, it would have been a risky game. With Kennedy dead, it was a safe one.)

I realize that in alleging that the Dallas police tampered with the material evidence in the case I am making a very grave charge. I am prepared to substantiate it.

We know from the above-cited paragraph of the Warren Report that 'when he was notified of Mooney's discovery,' Capt. Fritz 'issued instructions that nothing be moved or touched until technicians from the police laboratory could take photographs. . . . A few minutes later, Lt. J. C. Day . . . arrived and took photographs of the cartridge cases before anything had been moved.'

Incidentally, one may wonder why the Report, in this last sentence, specifies that Lt. Day took photographs of the *cartridge cases*. Does the Commission mean to suggest that photos were taken *only* of the cartridge cases? Evidently not, for there is Exhibit 1301 and there are other Exhibits such as 723 which presents a rear view of the cartons assembled before the window, and 1302 showing a large carton on which Oswald's palm-print was found. It is a matter of emphasis, then, rather than of exclusion. The Commission means to draw our attention to the cartridge cases and away from the cartons. It has good reasons for doing so.

In Chapter IV, section 'Oswald at the Window,' the Warren Report gives the following detailed description of the 'arrangement of cartons shortly after shots were fired,' as seen in Exhibit 1301:

'Below the southeast corner window on the sixth floor was a large carton of books measuring approximately 12 by 12 by 14 inches which had been moved from a stack along the south wall. (In Appendix X, section "Objects in the Texas School Book Depository," this carton is labeled "Box C"—J.J.) Atop this carton was a small carton marked "Rolling Readers," measuring approximately 13 by 9 by 8 inches. *In front of this small carton and resting partially on the window sill* was another small "Rolling Readers" carton. These two small cartons had been moved from a stack about three aisles away. The boxes in the window appeared to have been arranged as a convenient gun rest (See Commission Exhibit No. 1301).'

Again, it is apparent from Appendix X that these two small cartons were labeled, in the course of the investigation. 'Box A' and 'Box B,' respectively ('A' is the one atop 'C'; 'B' is the one resting partially on the window sill). One may wonder, incidentally, why the Commission did not identify and label the cartons in the same precise manner in its summary and exhibits. Read on, and perhaps it will become easier to understand why clarity was left solely for the Appendix (which the great majority of Warren Report readers were sure to skip entirely or to scan fleetingly).

About the fourth carton, labeled 'D' in the Appendix, the Report says: 'Behind these boxes was another carton placed on the floor on which a man sitting could *look southwesterly down Elm Street over the top of the "Rolling Readers" cartons.* . . .'

So far, so good. A glance at Exhibit 1301 shows that the above description, by the Commission, of the layout at the window fits the picture. *That picture.*

Turning now to the above-mentioned *Dallas News* picture, however, we find that in this photo all the cartons are in different positions, both in relation to each other and with regard to the window sill. Box 'C,' the heavy one on the floor, is almost parallel to the window, whereas in Exhibit 1301 it appears in an oblique position. 'A' is placed sideways on 'C' and touches the window sill with the right *front* corner, whereas in Exhibit 1301 the same box appears in a position parallel to 'C,' on which it rests, and touching the window sill with its right *rear* corner.

Most importantly, 'B,' in the *Dallas News* photo, is atop 'A,' again in an oblique position, and it does not rest on the window sill at all. In this picture, then, we have a pyramid of three boxes placed one on top of the other and reaching up much higher than the two cartons that are superimposed on each other in Exhibit 1301.

As regards 'D,' it is barely visible in the *Dallas News* picture and its outlines are blurred by another carton, or other cartons, protruding from the stack behind the sniper's nest. As far as one can tell from the *News* picture, 'D,' too, is in a slanting position, whereas in Exhibit 1301 it appears flush with the stack behind it and plainly discernible.

Like all mass circulation dailies published in the morning, the *Dallas Morning News* goes to press the evening before. This

photo, then, must have been available to the editors within a few hours after the assassination. It can have come from only one source: the police. They were in complete control and instructions had been given 'that nothing be moved or touched until technicians from the police crime laboratory could take photographs.' And, 'Mooney stood guard to see that nothing was disturbed.' No private photographers were present at that early moment, or if any were they certainly could not have rearranged the boxes for their own benefit, under the circumstances. Nor can one conceive any possible reason why a *Dallas Morning News* cameraman would have wanted to change the position of the boxes on his own.

Moreover, the way the paper handled this picture makes it absolutely clear that it is an original police photo. For, on the same page, a total of four illustrations were published, of which three are photos and one is a sketch (Building Floor Plan). Two of the photos—one showing the TSBD, the other the assassination site on Elm Street—are identified in the lower right-hand corner as 'Dallas News Staff Photo.' The Building Floor Plan is likewise identified as 'Dallas News Sketch by Glenn Moore.'

By contrast, no credit line appears underneath the photo showing the cartons by the window, or anywhere in connection with it. The implication clearly is that this photo was made available to the paper by a police source.

Furthermore, there is independent visual evidence to the effect that the *Dallas News* picture, not Exhibit 1301, shows the arrangement of the cartons as really found by the police when they finally got around to discovering the sniper's nest. This evidence is provided by Dillard Exhibit C. For the tip of the carton visible in the half-open window is clearly the upper right-hand corner (as seen by the viewer) of Carton 'B' in the *Dallas News* photo.

It cannot be a tip of any of the cartons as displayed in Exhibit 1301, for it protrudes at a point about three-quarters of the width of the window to the right (as seen from the outside) or one-quarter to the left, as seen from the inside. This position is consistent with the position of 'B' in the *Dallas News* photo, but totally irreconcilable with the layout in Exhibit 1301. For, in that picture, 'A' is set back too far from the window and also too low to be visible from the outside at the angle of the Dillard

photo, while 'B,' besides being also too low, is plainly lying in the opposite corner of the window from where the carton tip in the Dillard exhibit is. It is also apparent to the naked eye that the distance from the window cross to the tip visible in the Dillard exhibit corresponds to that of 'B' in the *Dallas News* picture, but is incompatible with any of the carton tips in Exhibit 1301.

The inevitable conclusion, then, is that the *Dallas News* picture represents the original and genuine view of the sniper's nest as it was found when the police arrived and took pictures. And, since there cannot be two different arrangements of boxes at the same scene and the same time, another inescapable conclusion is that Exhibit 1301 is a phony. It is a forgery palmed off on the Warren Commission by the chiefs of the Dallas police.

The question may be asked why the Dallas police should have wanted to transpose the cartons from their original position (as seen in the *Dallas News* picture) to the one in which they appear in Exhibit 1301.

The Warren Report unwittingly provides the answer to that question, too. For it will be remembered that the original police version of the shooting was that the assassin's first shot was aimed at the President's car as it came *towards* him on Houston Street, then swung his rifle in an arc of 90 degrees and fired twice more at the motorcade from the rear.

That version was necessary because the doctors at Parkland Hospital had stated explicitly, at the time of the operation, that the first bullet had entered Kennedy's throat at about the tie knot. (This matter of the 'Wounds That Speak Like Mouths' has been fully discussed in my book *Oswald: Assassin or Fall Guy?* and need not be recapitulated here.) As the official 'investigators' were determined, from the start, not to admit the possibility of a second sniper firing at the President from the front, this throat wound could not be explained away, at that stage, except by having him swing his rifle around in the manner stated.

There was, however, a *contretemps*—the extraordinarily revealing film taken by amateur photographer Abraham Zapruder which established beyond a shadow of doubt that the first shot was not fired until after the motorcade had made the left turn from Houston into Elm Street. This film was seized on the spot by the police, which thus had reason to fear, within hours after

the assassination, that their story of Oswald firing at the motorcade first from the front and then from the rear would be challenged.

As Curry and Fritz realized the possible consequences, they swiftly moved to obtain photographic evidence of a different arrangement of the boxes, one to be kept in reserve against the day when they would be forced to abandon their first, rifle-swinging version of the shooting. Although that day did not actually come until about a week later, they had to prepare for it and did by transposing the cartons as fast as they could – but not fast enough to be able to call back the picture that had already gone out to the *Dallas News* (or else the chiefs perhaps were not aware that one of their subordinates had obliged the *News* with the original snapshot).

According to the new version now coming up (and which the Warren Report subsequently endorsed), Oswald is supposed to have been sitting on Carton 'D' waiting patiently for the motorcade to come into his sights as he looked down on Elm Street. The Report says on this score: 'The boxes in the window appeared to have been arranged as a convenient gun rest. Behind these boxes was another carton placed on the floor on which a man sitting could look southwesterly down Elm Street over the top of the "Rolling Readers" cartons.'

This is the crux of the matter. The sitting man could indeed look down on Elm Street over the top of the two small cartons ('A' and 'B'), provided they were lying side by side, as in Exhibit 1301, but not as long as they were piled on top of each other in the position shown in the *Dallas News* picture. Here the pyramid of three cartons is so high as to preclude any such possibility. And that is precisely why the uppermost carton had to come down to nestle beside the other 'Rolling Readers' box, half resting on the window sill.

Unwittingly, the Warren Commission has put on record additional proof that the arrangement of the boxes, immediately after the shooting, was as shown in the *Dallas News* picture and not as Exhibit 1301 purports to show them.

For, in discussing the 'Eyewitness Identification of Assassin' in Chapter IV, the Report says:

'Although Brennan testified that the man in the window was standing when he fired the shot. *most probably* he was either

sitting or kneeling. The half-open window, *the arrangement of the boxes*, and the angle of the shots *virtually preclude a standing position . . .*' (italics mine, J.J.).

Here, then, we have the Commission disputing an important element in the testimony of the only eyewitness who actually saw the sniper in the act of firing, not on the basis of any counter-evidence, but on the specious ground that 'the arrangement of the boxes,' among other things, 'preclude' the man's standing position, as described by the witness.

The Warren Commission has taken at face value everything else Brennan has stated about his observations, including the somewhat doubtful feat of estimating the sniper's height and weight at a distance of 120 feet. But it balks at his sworn statement that the man in the window was in a standing position, for no better reason than that such a position, in conjunction with the half-open window and the angle of the shots, would not have been compatible with the layout of the boxes, *as they appear in Exhibit 1301*. Indeed, with only two cartons lying on top of each other, the gun rest would have been too low for a man firing from a standing position.

Conversely, with the cartons arranged in the manner shown in the *Dallas News* picture, i.e. with all three cartons piled on top of each other, the gun rest was just of the right height and shape for a sniper taking aim as Brennan described the scene: 'As it appeared to me he was standing up and resting against the left window sill.'

With this statement by the Commission's own star witness backing up the pictorial evidence of the three photos, as discussed above, I unhesitatingly charge that

The Dallas police knowingly and wilfully altered material evidence for the purposes of a planned miscarriage of justice, thereby committing a most heinous crime. Moreover, they deliberately misled the Warren Commission by means of a faked picture, thereby compounding their original felony with a second one involving forgery and perjury.

I hereby formally invite Messrs. Curry and Fritz, the two police officers directly responsible for these outrages, to sue me for libel and sincerely hope that they will so that my charges can be aired in a court of law.

Those Self-Betraying Police Prints

JUDGING by the Warren Report, the Dallas police would seem to be the most primitive organization of its kind on the face of the earth. ~~When they surround and search a building, the doors remain wide open to all who want to go in or out. When they question a prisoner, they don't keep records of any kind. They can't tell a street map marked by a job-seeker from an assassination plan. And when they handle material evidence of the most sensitive kind, they plaster their own finger- and palmprints all over it. They just don't know about gloves, poor fellows, that's all.~~

The Warren Report implicitly endorses the views of those editorial writers and commentators who took the Dallas police sternly to task for incompetence, negligence and stupidity. I am afraid I cannot share this benign view. To my mind, it is a case of criminal intent and flagrant malfeasance in office.

Where others see neglect, I see conspiracy. Where others are appalled by what they consider to be disorderly procedures, I am appalled by the total disregard for law and justice. What is administrative chaos to them is, to my mind, a frantic scramble to cover up the tracks of fellow plotters.

Take, for example, the case of ~~twenty-four police prints on the boxes in the sniper's window.~~ The matter is so grotesque – and so shocking – no one would believe such a thing could possibly have happened, were it not for the facts plainly set forth in the Warren Report.

Again, we start with a direct quotation from the Report:

'In considering the possibility of accomplices at the window, the Commission evaluated the significance of the presence of finger-prints other than Oswald's on the four cartons found in and near the window. Three of Oswald's prints were developed on two of the cartons. In addition a total of 25 identifiable prints were found on the 4 cartons. Moreover, prints were developed

which were considered as not identifiable, i.e. the quality of the print was too fragmentary to be of value for identification purposes.

'As has been explained in Chapter IV, the Commission determined that none of the warehouse employees who might have customarily handled these cartons left prints which could be identified. This was considered of some probative value in determining whether Oswald moved the cartons to the window. *All but 1 of the 25 definitely identifiable prints were the prints of 2 persons – an FBI employee and a member of the Dallas Police Department who had handled the cartons during the course of the investigation. One identifiable palmprint was not identified.*

Let this sink down slowly, and then try to digest it calmly.

We are dealing with 'The Crime of the Century.' The President of the United States has been assassinated. A suspect, who not only refuses stubbornly to confess but who loudly and insistently proclaims his innocence, is to be confronted – theoretically – with a mass of circumstantial evidence strong enough (as Police Chief Curry and District Attorney Wade never tired to broadcast to the world while Oswald was in custody, and even after his death) to convict him, anyway.

Fingerprints, and in somewhat lesser degree palmprints, are always and everywhere considered to be among the strongest pieces of evidence. In contrast to the often imprecise and shifting testimony of eyewitnesses (how vague and shifting these can get has been dramatically demonstrated by the Oswald case!), they are regarded as absolutely reliable. Countless criminals have been doomed by their fingerprints.

So what do the Dallas police and the local FBI do in investigating the most serious crime in contemporary US history? ~~They plaster crucially important evidence with their own finger- and palmprints!~~ In doing so, they even manage to leave eight times as many of their own prints than were attributed to the culprit in the case (24 against 3)!

There are those who would again shrug off this matter by saying that it is just one more example of the sloppy police procedures for which the Dallas police, the FBI and the Secret Service have been severely taken to task by the Warren Commission. I cannot accept this facile excuse which lets those

peculiar 'law-enforcement agencies' all too easily off the hook. To my mind, this multitude of police prints on material evidence of the highest importance is proof not of negligence but of malfeasance. It confirms the fact, already established by the transposed cartons, of official collusion with the real assassins of President Kennedy.

This assumption, moreover, is borne out by a number of other highly suspicious circumstances relating to these fingerprints.

For one thing, there is the strangely selective manner in which the Dallas police treated those four cartons although they were quite plainly integral parts of one unit of evidence. Before we deal with this matter, it cannot be emphasized too strongly that the presence of Oswald's fingerprints on any number of boxes at the TSBD cannot possibly be considered suspicious *per se*. It was part of his job to carry cartons from one place to another, from one floor to the next. Because this kind of work did involve the scattering of fingerprints on many cartons as well as on wrapping paper and other objects, Oswald became a ready-made fall guy for the real sniper building his cardboard hideout by the window.

In passing, let us note here how strange it seems that Oswald, alone among the warehouse employees, left 'identifiable' fingerprints wherever he went, while his fellow workers, according to the above-cited passage from the Warren Report, managed to handle hundreds of cartons without leaving any. Does this not suggest very strongly that the 'investigators' went by the rule that no fingerprints other than Oswald's (and perforce those of the two policemen, as we shall see) were worthy of identification and therefore 'could not be identified'?

Going back now to the highly selective method which the Dallas police employed in dealing with Oswald's fingerprints, the Warren Report reveals this amazing fact: 'During the afternoon of November 22, Lieutenant Day of the Dallas police dusted this carton (the reference is to Box "D") with powder and developed a palmprint on the top edge of the carton on the side nearest the window. . . . This print which had been *cut out of the box* was also forwarded to the FBI and Latona (fingerprint expert - J.J.) identified it as Oswald's right palmprint. . . .'

The Dallas police, then, selected one of the four cartons by the window for special treatment. In contrast with the three

boxes serving as gun rest, which were also dusted with powder by Lieutenant Day, but then were left for the FBI to develop possible prints, the one palmprint on 'D' was cut out and developed at the Dallas Police Laboratory, *before* it was shipped to Washington, along with the other three cartons.

Why this distinct and apparently urgent treatment of the palmprint on Box 'D'? We may find the answer to this intriguing question in District Attorney Wade's famous November 24, 1963, presentation to the press of his 'airtight case' against the just murdered Oswald and the 'absolute confirmation' of his guilt. For in his Point Three Wade stated, 'On this box that the defendant was sitting on, his palmprint was found and was identified as his.' However, Wade made no mention, in his fourteen points, of the two Oswald prints on Box 'A,' part of the gun rest. Why not?

Obviously, the Dallas police and district attorney were in a great hurry to convict Oswald quickly, at any rate in the public eye. The shipment of all four boxes to Washington and the identification procedure were bound to be slow since there were on those boxes, as the Report states, in addition to the identified or identifiable prints, others that could not be identified.

The Warren Report says specifically on this subject:

'The presence on these cartons of unidentifiable prints, whether or not identifiable, does not appear to be unusual since these cartons contained commercial products which had been handled by many people throughout the normal course of manufacturing, warehousing and shipping. . . .'

In other words, there were a lot of prints on all of these four cartons and it was a foregone conclusion that it would take the FBI experts at least several days to sift the identifiable ones from those that could not be identified and then try to identify positively all those in the former category.

Moreover, we already know that there were twelve other warehouse employees who, just like Oswald, might have handled those cartons. All identifiable prints, therefore, would have had to be checked against the finger- and palmprints of everyone of these twelve fellow employees before a really airtight case against Oswald could be built.

A time-consuming procedure, indeed. So the Dallas police took the fast and easy way out of this dilemma by separating

Box 'D' from the rest for special treatment. And—surprise!—not only did this carton happen to be miraculously clean, compared to the others, but it also promptly yielded one print that could be immediately developed and identified as Oswald's by the powder test method available to the Dallas police (as distinct from the more elaborate silver nitrate method used in the FBI central laboratory in Washington).

This palmprint of Oswald's on the large carton ('D') on the floor was destined to become one of the strongest links in the accusers' chain of circumstantial evidence against Oswald. The Warren Commission also paid special attention to it because 'someone sitting on the box facing the window would have his palm in this position if he placed his hand alongside his right hip.' And that is exactly the position the Commission attributes to the sniper who is supposed to have sat on that box 'looking southwesterly down Elm Street' as he waited for the motorcade to arrive.

Needless to say that the presence of Oswald's palmprint on that carton proves absolutely nothing. He may have sat on that box on any preceding day, or even that morning, as he went about his normal chores. And then somebody who had been watching him—(the plotters almost certainly had accomplices among the warehouse employees)—could have placed the carton in that incriminating position before or while the sniper's nest was being built.

After the cartons had been processed with powder by the Dallas police, the Warren Report further states in 'Oswald at the window,' they were forwarded to Washington. In the process, an FBI clerk, who is identified in Appendix X as Forrest L. Lucy, and a Dallas police officer, identified as Detective R. L. Studebaker, managed to put those twenty-four 'police prints' on those boxes, all of them identifiable. What for?

Two possible explanations come to mind, a third—the all too convenient one of pure negligence having been discarded *a priori*. For it must be assumed that even Dallas detectives and FBI clerks stationed in Dallas know how to handle material evidence of paramount importance without smearing it full with their own fingerprints. The two conceivable alternatives are:

(a) Studebaker and Lucy *deliberately* handled the cartons in

such a manner as to leave as many prints of their own as possible; and

(b) They were confronted by an unforeseen emergency, which compelled them to move the boxes without proper precautions, like putting on gloves. Let us examine the two possibilities in turn.

If this scattering of police prints on material evidence collected presumably for the purpose of convicting President Kennedy's assassin at his trial was intentional and even methodical (as the large number of police prints suggests), what could have been the purpose of such obvious messing-up tactics?

In an attempt to answer that most intriguing question, we must survey the entire pattern of fingerprints, as described in 'Oswald at the window.' The Report states:

'The cartons were forwarded to the FBI in Washington. Sebastian F. Latona, supervisor of the Latent Fingerprint Section, testified that 20 identifiable fingerprints and 8 palmprints were developed on these cartons. The carton on the window sill and the large carton below the window contained no prints which could be identified as being those of Lee Harvey Oswald. The other "Rolling Readers" carton, however, contained a palmprint and a fingerprint which were identified by Latona as being the left palmprint and right index fingerprint of Lee Harvey Oswald. . . . Most of the prints were found to have been placed on the cartons by an FBI clerk and a Dallas police officer after the cartons had been processed with powder by the Dallas police. (See ch. VI; pp. X.)'

There were available for examination, then, a total of twenty-eight identifiable prints of which, Appendix X discloses, thirteen were on Box 'A'; nine on Box 'B'; three on Box 'C' and also three on Box 'D.'

Concerning the latter, Appendix X states: 'The FBI developed two fingerprints on Box D by silver nitrate, and the Dallas police developed a palmprint on Box D by powder. *The fingerprints belong to Lucy.* The palmprint was identified as the right palmprint of Lee Harvey Oswald. . . .'

At this point, if not earlier, the Commission should have been startled into instantaneous realization that something was wrong. For the situation is unmistakably clear:

Here we have a big, heavy carton weighing 55 pounds (Box

LUCY
STUDEBAKER

D) which, at the time of the shooting, was immaculately clean of finger- and palmprints (at any rate as far as the identifiable category is concerned), except for a conspicuous palmprint by Oswald, which is immediately spotted, recognized as being important above all other prints on other boxes, selected for special, instant treatment, cut out and identified as belonging to Oswald.

This done, the heavy carton is picked up and shipped to Washington—with only two fingerprints resulting from this operation: those of FBI-man Lucy. How did he manage that? Did he lift up the 55-pound box with two fingertips and carry it all the way across the huge room and beyond? Evidently not. Even if we assume that the carton was emptied on the spot of its contents, the whole operation could have been performed with only two fingerprints resulting. It is clear, then, that the person or persons who handled it were wearing gloves or in some other way took care not to leave additional prints on that box in the process of transporting it to Washington.

Before we consider the true meaning of two Lucy prints—no less, no more—on Carton D, let us revert to the amazing fact that Lucy and Studebaker between them left eight identifiable prints on Box 'B,' eleven such prints on 'A' and three on 'C.'

It will be remembered that 'A' and 'B,' i.e. the two boxes on which were found the greatest number of police prints (eleven and eight, respectively), are precisely the two small and light 'Rolling Readers' cartons which normally would have required the least effort in picking them up and taking them away for shipping to the laboratory. Why, then, was it that just these two collected so many police prints?

Perhaps the key to this mystery lies in this astonishing statement embedded in Chapter VI of the Warren Report: '*One identifiable palmprint was not identified.*' In Appendix X we find the additional information that this unidentified palmprint was found on Box 'B.'

Why was no attempt made to identify one identifiable print among so many others? Or, if the attempt was made, why did it yield no publishable result? Why did the Commission gloss lightly over this suspicious fact? Or, why did it keep its finding a dark secret?

Could it be because that treacherous palmprint belonged to

the real sniper, who was not Oswald, that it actually *was identified* and that the identity discovered so startled the FBI (or the Commission) that they preferred to drop this print like a hot potato and forget all about it?

What makes this identifiable, yet officially unidentified, print look even more suspicious is the fact that Box 'B,' on which it was found, is precisely the one that is seen in Exhibit 1301 in a position totally different from the one shown on the *Dallas Morning News* photo. There were no Oswald prints on 'B,' we already know. Just police prints and a mystery print. 'All but one of the fingerprints on Box B belonged to Studebaker and Lucy and one palmprint was that of Studebaker,' the Report states in Appendix X, and adds, 'One palmprint on Box B was unidentified.'

This wording, incidentally, suggests that there was, in addition to the identifiable yet unidentified *palmprint*, which is conceded by the Commission, also one *fingerprint* in the same category. For, if 'all but one' of the 'identifiable' fingerprints—they are all thus classified in a preceding sentence—belonged to Studebaker and Lucy, and none of them belonged to Oswald, whom did the remaining one belong to?

Actually, then, there seem to have been *two* identifiable, but unidentified prints, a conclusion which compounds the mystery as well as the omission by the 'investigators' to look into this unaccountable matter.

The situation, then, is this: *before* the two police officials scattered their own fingerprints on Carton 'B,' this box had been immaculately clean of identifiable prints, except for the (admitted) palmprint of the unknown person—unknown to the public, that is—and probably also one of his fingerprints (indirectly conceded, as has been explained above).

Was it *by design*, then, that Studebaker and Lucy besmirched the small carton most unnecessarily with their own fingers and palms, in order to conceal or to smudge the two suspicious prints that had appeared on this box after it had been dusted with powder by the Dallas police, as they all were?

It is of course beyond the powers of any private investigator to give an answer to that most important question. He can do no more than raise the question, but this must be done emphatically. Perhaps a court of law will fill the gap which was left here

by a Commission which in this, as in so many other respects, failed its duty to investigate impartially and thoroughly.

One more thing should be noted, though. Box 'B,' it will be remembered, is the one that forms the top of the pyramid in the *Dallas Morning News* picture. And since 'C,' 'A' and 'B' formed the three tiers of the gun rest, it stands to reason that the sniper's rifle must have rested on 'B.' In adjusting its position and taking aim, the killer apparently touched this carton, leaving one palm- and one fingerprint. And, since these were not Oswald's, one can well understand what may have prompted the two above-named police officials to add as many of their own prints as possible to the pattern.

However, I think there was more to this operation than just an attempt to conceal the give-away prints of the real killer. For the record shows that Studebaker and Lucy also left their prints on the other cartons and that they did so in a manner which strongly suggests that these two police officials, acting of course on orders, moved all four cartons when the rearrangement of the boxes took place, shortly after the original photo — the one that appeared in the *Dallas Morning News* — had been taken.

'The fingerprints on Box C were those of Studebaker and Lucy and the palmprint was Studebaker's,' says the Report. With the gentle force reflected by two fingerprints and one palmprint, Studebaker and Lucy could easily have pushed the heavy carton 'C,' standing on the floor flush with the window, into the oblique position seen in Exhibit 1301.

'One of the fingerprints on Box A was identified as the right index fingerprint of Lee Harvey Oswald, and one of the palmprints on Box A was identified as the left palmprint of Lee Harvey Oswald,' the Report goes on to say in Appendix X, and adds, '*All the remaining prints on Box A were the palmprints of R. L. Studebaker . . . and Forrest L. Lucy . . . and fingerprints of Detective Studebaker. . . .*'

Frankly, I don't know and can't explain why it took so many police prints (eleven in all) to effect the slight shift in the position of Box 'A,' as between the two divergent photos. But then it is not incumbent on me to solve every mystery left by the Warren Report; nor do I want to take a job away from the FBI — a job that ought to begin right here.

There is another puzzling aspect to the matter. If Studebaker and Lucy moved those cartons around, as the existence of two irreconcilable pictures of the sniper's nest in conjunction with the multitude of their finger- and palmprints on the evidence indicates, why didn't they use gloves in such a delicate operation? Could it be that they were acting hastily and unprepared, trying to meet an unforeseen emergency like, for instance, the sudden appearance of the scene of a ranking FBI officer not in on the plot?

Let a Grand Jury find out.

Switching Rifles

A KEY element in the elaborately staged Kennedy murder fraud is the cold-blooded substitution, by the Dallas police – with the connivance of the FBI – of a rifle that could be traced to Oswald for the murder weapon that was actually found in the Texas School Book Depository.

If I say here that the Mannlicher-Carcano rifle that has been proclaimed the assassination weapon 'could be traced to Oswald,' rather than that it was owned by him, the reason is that, in all probability, it did not belong to him. Oswald himself, during his interrogation, stubbornly denied ownership of any rifle at that time. Yet there is little doubt that he did order the Mannlicher-Carcano from Klein's in Chicago in the name of Alek J. Hidell and that it was shipped to his Post Office Box in Dallas.

Was Oswald lying, then, when he denied to investigators that he owned any rifle at all?

The Commission unhesitatingly affirms this and, going further, considers this denial as proof that Oswald was an inveterate liar whose word could not be trusted in any respect.

There is another explanation, though, of the seeming discrepancy between Oswald's statements regarding the rifle and the documents that appear to establish conclusively that he did order it. The key to the mystery lies in his intelligence activities. Alek J. Hidell was most probably Oswald's cover name in the C.I.A. and the address on Neely Street where he ostensibly lived at the time of the rifle purchase – again he himself disclaimed living there – was his cover address. These matters will be examined in the companion volume to this book, *Marina Oswald*, which deals at length with Oswald's activities on behalf of the CIA.

What really happened, then, is most likely this: Oswald ordered the Carcano rifle from Klein's not on his own behalf

but on the instructions of his superiors in the C.I.A. At that time he was being groomed for another intelligence assignment, this time in Cuba, and the purchase of a rifle equipped with telescopic sights may well have been intended for the unobtrusive removal of some leading political figure in that country. The C.I.A. smuggles a lot of arms and ammunition into Cuba all the time, where the stuff is picked up in secret hideouts by guerrillas and members of 'special forces.'

If I am being more hypothetical here than in my other assertions in this book, the reason is self-evident. In the cloak-and-dagger business it is all but impossible to prove anything conclusively. That is in the very nature of secret service. I can only conjecture, therefore, that 'Alek J. Hidell' bought the Carcano for an operation in Cuba. It is just as possible that the C.I.A., even at that time, long before an assassination scheme could have been devised against Kennedy, had some possible uses for such a weapon in the United States itself.

In any event, I feel satisfied that Oswald ordered the Carcano on behalf of his wirepullers in 'intelligence,' and that these also had this rifle in their possession when he was caught. Technically, therefore, he was probably quite correct in saying that he didn't own a rifle. It didn't belong to him, though it was at his disposal for 'assignments.'

Not that it matters, really, whether the Carcano was Oswald's property or only professional equipment made available to him by his spymasters. What matters is that it was not the assassination weapon, at any rate not the one found at the TSBD (though it may have been used to fire at Kennedy from the front).

For the plain, inescapable fact of the matter is that the rifle found at the assassination scene was a weapon of entirely different make and calibre.

First, this is how the Warren Report describes the discovery of the alleged murder weapon:

'At 1:22 p.m. Deputy Sheriff Eugene Boone and Deputy Constable Seymour Weitzman found a bolt-action rifle with a telescopic sight between two rows of boxes in the north west corner near the staircase on the sixth floor. No one touched the weapon or otherwise disturbed the scene until Captain Fritz and Lieutenant Day arrived and the weapon was photographed as it lay on the floor. . . . Lieutenant Day retained possession of the

weapon and took it back to the police department for examination. Neither Boone nor Weitzman handled the rifle. . . .

Elsewhere—in Appendix XII—the Report elaborates on this latter point: 'Weitzman did not handle the rifle and did not examine it at close range. He had little more than a glimpse of it and thought it was a Mauser, a German bolt-type rifle similar in appearance to the Mannlicher-Carcano. Police laboratory technicians subsequently arrived and correctly identified the weapon as a 6.5 Italian rifle.'

But—there exists an affidavit, made out and sworn to before a notary public, by Weitzman in which this police officer stated about the weapon he had found: 'This rifle was a 7.65 Mauser bolt action equipped with a 4-13 scope, a thick leather brownish black sling on it.'

The full text of this affidavit is reproduced herewith. A copy was obtained somehow and widely publicized—in Europe mostly, for no American paper of importance would touch the matter—by lawyer Mark Lane. The authenticity of the document is not in doubt. If the Warren Commission had any reason to doubt its authenticity, it would have been its duty to call Notary Public Mary Rattan to testify on the matter. As her name does not appear either in the Report itself nor in the 'List of Witnesses,' it must be assumed that she did not testify. By the same token, the Commission implicitly has recognized the authenticity of the document in question. Unable to deny that the affidavit exists, the Commission chose simply to ignore it. At the same time, it grandly dismissed as 'speculation' Weitzman's identification of the weapon he had found as a German Mauser of 7-65 calibre, and declared that he had 'little more than a glimpse of it.'

The falseness of this assertion is self-evident. If Weitzman really had only a glimpse of the weapon, as it lay on the floor to be photographed, how could he possibly have been in a position to note the magnification (4-13) on the scope, a minuscule inscription?

On the other hand, how could he have *failed* to notice—had he really been in the presence of the Carcano linked to Oswald—the markings which—as Mark Lane, who was shown this weapon at a Commission hearing has stated—are 'indelibly engraved thereon in large letters,' to wit: 'Made Italy' and

Cal. 6.5'—as well as the serial number C 2766 which is conspicuously visible in Exhibit 541 (3)?

Even if Weitzman did not 'handle' the weapon—a very flexible term—he must have had a good look at it, to be so specific and unequivocal about it. Note the affirmative tone, too. Weitzman, in his affidavit, does not say 'it looked to me like a Mauser,' 'I thought it was a Mauser' or something like that. He matter-of-factly states: 'This rifle was a 7.65 Mauser.'

And, why should he have been required to sign an affidavit when he never examined the rifle at close range, as the Commission asserts?

Why—to borrow a question raised in this form by Prof. Trevor-Roper in the *Sunday Times* of January 3, 1965—'did the experienced police officer who found it—a graduate in engineering who admitted that he was familiar with rifles, having been "in the sporting goods business"—report, not casually but in writing, both to his superiors and to the FBI, that it was a Mauser 7.65 when a different make and calibre were clearly inscribed on it? (i.e. on Oswald's Carcano—J.J.).'

Why did District Attorney Wade—a former FBI agent—state to the press not just once but several times—and well into the night—on November 22nd that the weapon found at the TSBD was a German Mauser? Didn't he learn in the FBI to read markings on a rifle—markings as plainly visible and clearly inscribed as they are on the Carcano!

Note, incidentally, how vague and evasive the Warren Report is about the 'correct' identification of the alleged murder weapon: 'Police laboratory technicians subsequently arrived and correctly identified the weapon, etc.'

Who made this 'correct' identification and when?

The Report really answers that question, indirectly. For we already have been told by the Commission that 'Lieutenant Day retained possession of the weapon and took it back to the police department for examination.' And Wade wasn't informed?

Now, UP1 on the afternoon of November 22 sent out from Dallas several telephotos which show this very same Lieutenant Day holding the rifle aloft or at arm's length for casual inspection by the press. The legend of one of these pictures (DAP 112212) clearly and unmistakably states:

'A detective carries a 7.65 Mauser Italian-made Army rifle fitted with a telescopic sight. . . . The rifle is believed to be the weapon which fired the fatal shot killing President Kennedy.'

Where did the UPI photo reporter get this curiously scrambled description from, which adds 'Italian-made' to '7.65 Mauser'—a German-made weapon?

One can only surmise here, but this explanation, I believe, will come close to the truth: The consensus among the police officers present on the scene who were talking to newsmen was that it was a Mauser bolt-action rifle of calibre 7.65. However, one of them, a high-ranking officer (whose identity can be guessed easily) who was in on the plot to kill Kennedy, knew that the crime was going to be blamed on Oswald and was also aware that the latter could be linked to an Italian-made weapon of similar appearance, then dropped a remark to the effect that this was, in his opinion, an Italian Army weapon. And so, I feel sure, the mix-up occurred.

Disregard, if you wish, this bit of 'speculation.' The fact remains that the weapon found at the assassination scene was described as a '7.65 Mauser' (a) in the sworn affidavit of the police officer who had found it; (b) in on-the-spot-pictures that received world-wide distribution; and (c) in repeated statements by District Attorney Wade.

Indeed, the latter did not change his story until after the FBI had come through, *the following day*, with a detailed report on the rifle it had been able to trace to the one and only suspect in the case, Lee Harvey Oswald. It was not a case, then, of a suspect being found who could be linked to the murder weapon, but it was the other way around: a weapon was found that could be linked to a suspect.

Furthermore, the UPI telephotos referred to above clearly show that the contours of the rifle displayed by Lieutenant Day are different from those of Oswald's Carcano, as seen in the famous 'Oswald-with-rifle-and-pistol' picture that was exhibited on the cover of *Life* magazine (February 21, 1964) and widely reprinted in newspapers and magazines throughout the world.

In Appendix XII, the Warren Report blandly remarks that *Life* magazine, *Newsweek* and the *New York Times* notified the Commission that they had retouched this picture. In doing so they 'inadvertently altered details of the configuration of the

rifle. The original prints of this picture have been examined by the Commission and by photographic experts who have identified the rifle as a Mannlicher-Carcano 6.5, the same kind as the one found on the sixth floor of the Texas School Book Depository. . . .'

This statement begs the question, which is not whether the rifle seen on that picture is or is not a Mannlicher-Carcano. Rather, the question is whether this Carcano is identical with the weapon that was found in the TSBD and originally identified as a Mauser.

Note also the charming admission that three major American publications *retouched* a piece of material evidence—for this photo was made available to the press by police and Secret Service sources—and that they all, though located in different buildings and operating under different editorial boards, 'inadvertently' altered details of it. In the case of *Life*—which I had previously charged with having deliberately doctored this picture, a charge now substantiated by the Warren Report—the 'inadvertent' alteration went so far that the telescopic sight, which is clearly visible on the original print, all but disappeared from view.

However, as has been demonstrated in the pictorial section of *Oswald: Assassin or Fall Guy?* the clearest reproduction of the original print of this picture did not appear in any American publication at all. Rather, it was published on the cover of the French illustrated magazine *Match* (February 29, 1964) which did not alter details of the configuration of the rifle, inadvertently or otherwise. And even a casual comparison of the weapon shown in the *Match* picture with the one Lieutenant Day is holding in the UPI telephotos shows that they are not identical rifles. Look at the pictorial layout included for that purpose in *Oswald: Assassin or Fall Guy?* and see if the caption is right: 'It (i.e. the weapon shown in the UPI telephotos) is longer and heavier (than Oswald's Carcano), the distance from end of stock to bolt is different, the curve on the stock is different, the length of bolt and its relation to the trigger guard is different.'

The Warren Report nevertheless affirms that the rifle found at the TSBD is a Mannlicher-Carcano and it displays as Exhibit No. 139 the photo of a rifle which it labels Oswald's Carcano.

MAT 2-21

EXH 139

I say that this picture is not a photo of the Carcano at all, but represents the Mauser that was found at the TSBD. If that is correct, then the Commission has clearly acted in bad faith and with fraudulent intent, for then it has had in its possession two rifles, the Mauser and the Carcano.

This argument could easily be settled once and for all.

Let the Government produce Oswald's Carcano before an independent body of experts and let the whole world follow proceedings on television.

Let the experts slowly rotate the rifle, pointing out to the viewers in turn all the different markings ('Cal. 6.5,' 'Made Italy,' serial Number C2766) as well as the markings on the telescopic sight. This will establish satisfactorily that the rifle being displayed is indeed a Carcano.

Next, let the demonstrating expert hold this rifle in exactly the positions shown on the UPI telephotos referred to above and against a backdrop of those pictures blown up to corresponding size, so that every detail matches.

And then let the experts – and the public – decide whether or not it is one and the same rifle.

How anxious the Government is to keep that suspicious rifle firmly under control is demonstrated by the amazing vicissitudes of its abortive 'sale' by Marina Oswald, who had inherited it along with the other scant belongings left by her husband. Some time in the spring of 1965 a wealthy Denver oilman, John King, approached Marina and offered to buy the Carcano for \$10,000. The deal apparently went through, although Marina at no time had the weapon in her possession. The FBI has it and means to keep it. When Mr. King let it be known he was going to fight for his purchase, if necessary in the courts, the Government countered with an extraordinary move: a bill was hastily introduced in Congress that would forfeit to the Government all objects figuring in the Warren Commission investigation – which in practice means primarily this rifle, the only controversial item. The Senate approved the bill in mid-October, and President Johnson signed it into law shortly later.

The Government's concern to secure permanent possession of Oswald's rifle, although under the normal rules of law it would now belong to the wife of the deceased, Marina, speaks an eloquent language. It affords final proof that the Carcano is

not the murder weapon at all, and therefore has to be carefully kept from public or private inspection. The Johnson Government hopes to bury in the National Archives in Washington what could become the most convincing piece of evidence in exposing the Kennedy Murder Fraud.

COPY

AFFIDAVIT IN ANY FACT

The State of Texas

County of Dallas

Before me, Mary Rattan, a Notary Public in and for said County, State of Texas, on this day personally appeared Seymour Weitzman w/m, 2802 Caton Drive, DA 7-6624. Mrs. Rebie Love, RI 1-1485

Who, after being by me duty sworn, on oath deposes and says: Yesterday November 22, 1963, I was standing on the corner of Main and Houston, and as the President passed and made his turn going west towards Stemmons, I walked casually around. At this time my partner was behind me and asked me something. I looked back at him and heard three shots. I ran in a northwest direction and scaled a fence towards where we thought the shots came from. Then someone said they thought the shots came from the old Texas Building. I immediately ran to the Texas Building and started looking inside. At this time Captain Fritz arrived and ordered all of the sixth floor sealed off and searched. I was working with Deputy S. Boone of the Sheriff's Department and helping in the search. We were in the northwest corner of the sixth floor when Deputy Boone and myself spotted the rifle about the same time. This rifle was a 7.65 Mauser bolt action equipped with a 4/13 scope, a thick leather brownish-black sling on it. The rifle was between some boxes near the stairway. The time the rifle was found was 1:22 p.m. Captain Fritz took charge of the rifle and ejected one live round from chamber. I then went back to the office after this.

(Seymour Weitzman)

Subscribed and sworn to before me this 23 day of November A.D. 1963.

(Mary Rattan)

(Notary Public, Dallas County, Texas)

The Brazen Lies of the Dallas Police

WHAT vitiates the conclusions of the Warren Report more than any of its other conspicuous shortcomings is the blind trust the Commission has placed in the integrity and reliability of the Dallas police and the other 'law enforcement' agencies involved in the case.

In the stern words of the British historian, Prof. Hugh Trevor-Roper, ~~the honest and slovenly report~~ has no more authority than ~~the tendentious and defective police reports out of which it is compiled. And of the value of those reports no more need be said than that even the Warren Report can only acquit the Dallas police of worse charges by admitting its culpable inefficiency.~~ (Sunday Times, London, December 13, 1964).

Indeed, the Warren Commission, whenever it found itself face to face with one of a score of demonstrable lies, fabrications, abuses and clear-cut violations of elementary human rights the Dallas police has been guilty of in the Oswald case, consistently took the same soft line as the world press had adopted before: it saw only inefficiency, bungling and sloppiness where there was criminal collusion and open intent to commit a grave miscarriage of justice.

Although the brunt of my argument in *Oswald: Assassin or Fall Guy?* was precisely that high police officials must have been directly implicated in the assassination of President Kennedy, the Warren Commission failed to look even into the possibility that such an outrageous thing might have happened.

I did not make that charge lightly. The case for the direct complicity of Police Chief Jesse Curry, Captain Will Fritz, Chief of the Homicide Bureau, and District Attorney Henry Wade, among other Dallas notables, is amply documented in that book. It is being further substantiated in the present one.

At the beginning of the chapter entitled 'Evidence that back-fired' (p. 39) I wrote:

'There are two pieces of evidence which indisputably brand as fabricators Chief Curry and District Attorney Wade. In the context of the President's assassination, the deliberate misrepresentation of this evidence by these two men, law enforcement officers sworn by their oath of office to further justice, is well over the line of criminal malfeasance.

'There is grim poetic justice that these two pieces of evidence, the alleged "assassination map" and the fried chicken which were given prominence by these men and certain of their colleagues in order to convince the American public of Oswald's indubitable guilt, have since been instrumental in proving instead the guilt of the Dallas police in creating and sacrificing a scapegoat. . . .

'In the overall assessment of Oswald's innocence or guilt, there is more important evidence than the chicken and the map, but these two pieces of alleged evidence played a major role in the development of a lynch atmosphere. They are, in fact, crucial items in exposing Curry, Wade, *et al.*, because in these two instances it can be shown that their misrepresentation was perpetrated knowingly, wilfully, and with malice aforethought. . . .

The story of the fried chicken Oswald is supposed to have been munching while waiting for his victim was detailed on pp. 40-41 of my book. In retrospect, it does not appear to me to be quite as important as the companion fake, the 'assassination map.' Suffice it to say here that the Commission's report has confirmed that the chicken was eaten not by Oswald but by a fellow employee, Bonnie Ray Williams. The report specifically says, 'Police sources were also responsible for the mistaken notion that the chicken bones found on the sixth floor were the remains of Oswald's lunch.' A mild rebuke for a deliberate lie, committed under the most aggravating circumstances.

The Commission has shown even greater restraint in commenting on the vastly more incriminating map fraud.

'It was also reported that the map found in Oswald's room contained a marked route of the Presidential motorcade when it actually contained markings of places where Oswald may have applied for jobs, including, of course, the Texas School Book Depository.'

These soft remarks are totally inadequate in dealing with a

vicious attempt to manufacture evidence against Oswald on the part of the Dallas police and district attorney.

Let me recapitulate first what I wrote on this score in my Oswald book:

'This hoax was initiated by Curry who announced on Saturday evening Nov. 23, that he had "startling evidence" against Oswald. He refused to say what this was but next morning the *Dallas Morning News* disclosed that it was a map of the city, so marked as to show Oswald's plan to murder the President. On Monday Wade confirmed the existence of the map and its crucial significance. In the words of *The New York Times* of Nov. 25: "Today Mr. Wade announced that authorities had also found a marked map, showing the course of the President's motorcade, in Oswald's rented room. 'It was a map tracing the location of the parade route,' the district attorney said, 'and this place (the Book Depository) was marked with a straight line.' Mr. Wade said Oswald had marked that map at two other places, apparently places which he considered a possibility for an assassination.'"

According to the *Christian Science Monitor* of December 2nd, 1963, 'A map of Dallas found in Oswald's room bearing the penciled route of the motorcade, with the assassination site marked and a bullet trajectory from the building. Alternate spots also were marked, any one of which might have been a favorable site from which to fire on President Kennedy.'

Now the Warren Report has revealed that Oswald, when first confronted with this piece of 'evidence,' had immediately told the investigators what was the simple truth: that he had merely marked off on this map possible places of employment. Here is a textual excerpt from the testimony given to the panel by Capt. Will Fritz, chief of the Dallas Police Department's Homicide Bureau:

'At 9:30 on the morning of November 24, I asked that Oswald be brought to the office. At that time I showed him a map of the City of Dallas which had been recovered in the search of his room on North Beckley. This map had some markings on it, one of which was about where the President was shot. He said the map had nothing to do with the President's shooting and again, as he had done in the previous interviews, denied knowing anything of the shooting of the President, or the shooting of Officer

Tippit. He said the map had been used to locate buildings where he had gone to talk about employment.'

That, mind you, was on the morning of *Sunday*, the day Oswald was murdered at police headquarters. And the *next day*, District Attorney Wade has the effrontery to announce to the world that this had been an 'assassination map,' as described above! The Dallas authorities maintained this fraud until Mrs. Ruth Paine, who had given Oswald the map in question when she got him the job at the Book Depository, very belatedly revealed in a newspaper interview, early in January 1964, what the true meanings of those markings had been. Then the police backed down and told reporters to forget about the map, that it didn't exist.

That was another brazen lie, for the map does exist, as the Warren Report now confirms. Why, then, didn't the Commission include this map among the photostated exhibits in the Report?

The answer to that question is perfectly self-evident: Because then all the world would have been able to see with their own eyes that the markings Oswald had made on this map could not possibly have had the sinister meaning which the Dallas authorities attributed to them: And that would have been one more piece of convincing proof that Curry, Fritz and Wade were not just victims of innocent error in the case but that they deliberately manipulated faked evidence to convict Oswald.

The Warren Commission, which acknowledged, even if it chose to minimize, this tell-tale outrage, nevertheless made it a firm practice to believe only the accusers, never the defendant in the case. The report states:

'Oswald provided little information during his questioning. Frequently, however, he was confronted with evidence which he could not explain and he resorted to statements which are known to be lies. While Oswald's untrue statements during interrogation were not considered items of positive proof by the Commission, they had probative value in deciding the weight to be given by his denials that he assassinated President Kennedy and killed Patrolman Tippit. Since independent evidence revealed that Oswald repeatedly and blatantly lied to the police, the Commission gave little weight to his denials of guilt.'

Speaking of blatant and repeated lies, there is nothing in the report to prove that Oswald was guilty of even one whopper of the size of the chicken and assassination map tales. If the Commission had really meant to keep an open mind and to be fair to a murdered defendant, it wouldn't have lent so much weight to statements issued by those fully exposed liars, Wade and Curry.

Let us consider now a third example of this official mendacity.

At his 'famous' press conference on Sunday night, November 24, after Oswald had been killed, Wade presented fourteen points of evidence for Oswald's guilt (all of which have since been disproved or are subject to grave doubt, the Warren Report notwithstanding).

His Point 4 was that paraffin tests on both hands showed that Oswald had fired a gun recently.

Wade was being purposely evasive about what kind of 'gun' he had in mind—a pistol or a rifle. He tried hard to create the impression that the paraffin tests had proved that Oswald had fired the weapon used in the assassination.

When a reporter specifically asked 'Recently fired a rifle?' he again dodged the question by merely answering 'a gun.'

The point is that if Oswald had fired a rifle, the paraffin test would have shown nitrate traces on his cheek as well as on his hands. The laboratory report found no such traces, indicating that the test had been *negative* as far as the Kennedy assassination was concerned, though it left open the question, for the time being, whether Oswald had committed the pistol-slaying of Tippit.

When Mark Lane, who had obtained a photostat of the laboratory report, hammered home the fact that the test actually exonerated Oswald in the Kennedy assassination, because it proved that he had not fired a rifle recently, the police was in a quandary. The Warren Commission obligingly helped Curry and Wade out by declaring that paraffin tests aren't conclusive, anyway: 'The tests merely showed that he had nitrate traces on his hands, which did not necessarily mean that he had fired either a rifle or a pistol.' Then what are paraffin tests for, anyway?

Despite such overwhelming proof that the police and Wade had deliberately juggled and manipulated evidence with dis-

honest intent, the Commission concluded that they merely 'made errors' which 'at the worst represent bad judgment.'

'Insinuations that Dallas police officials and District Attorney Henry M. Wade fabricated or altered evidence to establish the guilt of Oswald were baseless,' the Report asserted in the best whitewash tradition.

There is, in my view, no more convincing proof of Police Chief Curry's *foreknowledge* of the assassination than his own statement that he had instantly ordered the Texas School Book Depository to be surrounded and searched because he 'could tell from the sound of the three shots that they had come from the book company's building.'

I had already strongly questioned Mr. Curry's 'sensitive hearing' in Chapter 2 of *Oswald: Assassin or Fall Guy?* In doing so I pointed out that Curry was riding in a car some 40 feet ahead of the presidential limousine; that Secret Service agent Rufus W. Youngblood, who was in Vice-President Johnson's car and therefore nearest to the TSBD at the time of the fusillade, had stated, 'I had no idea where the shots had come from,' and that the noise produced by the motorcade itself made any such exceptional hearing performance appear most unlikely.

Now the Warren Report has produced at least two more important eyewitness statements which clearly give the lie to Chief Curry's claim that he could tell by ear wherefrom the shots had been fired. Mrs. Jacqueline Kennedy told the Commission:

'You know, there is always noise in a motorcade and there are always motorcycles beside us, a lot of them backfiring. So I was looking to the left. I guess there was a noise, *but it didn't seem like any different noise really* because there is so much noise, motorcycles and things. . . .'

More significantly still, according to the Report, Lee E. Bowers Jr., a railroad employee at work in a railroad tower near the assassination scene, testified that prior to November 22, 1963, he 'had noted the similarity of the sounds coming from the vicinity of the Depository and those from the Triple Underpass, which he attributed to "a reverberation which takes place from either location."'

This expert testimony completely confounds Curry and proves that he was lying about his extraordinary faculty of

hearing. ~~I do not hesitate to say that through this statement of his Curry stands exposed as an accomplice of those who planned the assassination.~~ For, if he instantly knew that the shots had been fired from the Book Depository, without having possibly been able to discern the direction of the sound by ear, as he claimed, then this can mean only one thing: he *expected* shots to come from the TSBD because he was in on the plot. And that explains, too, the zeal with which he and his subordinate Fritz prosecuted the preordained scapegoat Oswald on the basis of fake evidence like the 'assassination map' until the victim was silenced forever – at police headquarters.

I had fully expected Messrs. Curry, Fritz, Wade, *et al.* to bring libel charges against me on account of the direct accusations I had levelled against them in *Oswald: Assassin or Fall Guy?* If these gentlemen, or any one of them, had had a clear conscience, they could not have failed to do so. In fact, it would have been their duty to have taken legal action against me. Their failure to sue me constitutes further proof of their guilt, for obviously there is nothing they are more afraid of than to have the Oswald case thrown into a court of law, where there are lawyers for the defence, evidence can be subpoenaed and witnesses may be cross-examined. They have good reason to be satisfied with the extralegal proceedings of the Warren Commission which provided them with a convenient whitewash without the risks inherent in court action.

Go Slow, Boys, Take Your Time

HAD the Warren Commission not been so determined to place blind faith in the say-so of the Dallas police, it could not have failed to notice the disturbing significance of two unexplained mysteries both of which would have normally called for official explanation.

The first mystery is this: why did it take the police so long to discover the sniper's hideout on the sixth floor of the TSBD, when eyewitnesses out on the street had directed their attention to the half-open window almost immediately after the shooting? And why did it take Captain Fritz so long to take action against the presumed assassin after his identity had been established?

While some questions have been raised in books and articles about these unaccountable time lags, the second mystery appears to have escaped the attention of all critics of the Warren Report so far: How could Police Sergeant Gerald L. Hill play a leading role in Oswald's arrest at the Texas Theatre when he had been, minutes before, a member of the search party that was combing the TSBD under the direction of Captain Fritz?

Because there is an obvious link between these two puzzling aspects of the case, and the mystery evaporates the moment this link is established, let us first set down the sequence of events.

This is not as easy as it sounds, for the official version of the Kennedy assassination is replete with scrambled time schedules, as the Tippit affair, for one, demonstrates. However, even on the basis of the fragmentary information which the Warren Report provides on this score, it is possible to assert that the Dallas police was guilty, at a minimum, of criminal neglect in not following up immediately all clues at its disposal.

Indeed, we must not for one moment forget the nature of the crime we are dealing with. It is not a banal everyday murder; it is the assassination of the Chief Executive. Under such circum-

stances, the speed, precision and force with which the police reacts to the murder becomes a decisive criterion of its will to solve the crime and to punish the guilty. And any demonstrable lack of speed and vigour in action becomes an indication of complicity.

Starting now with the 12:30 time of the assassination, our first question is: how long after that was it that the police learned where the shots had come from? Says the Warren Report on this score:

'Several eyewitnesses in front of the building reported that they saw a rifle being fired from the southeast corner window on the sixth floor of the Texas School Book Depository. One eyewitness, Howard L. Brennan . . . promptly told a policeman that he had seen a slender man, about 5 feet 10 inches, in his early thirties, take deliberate aim from the sixth-floor corner window and fire a rifle in the direction of the President's car. . . . At 12:34 p.m., the Dallas police radio mentioned the Depository Building as a possible source of the shots, and at 12:45 p.m., the police radio broadcast a description of the suspected assassin based primarily on Brennan's observations.'

Elsewhere, the Report mentions the observations of eyewitness Amos Lee Euins and adds: 'Immediately after the assassination, he (Euins) reported his observations to Sgt. D. V. Harkness of the Dallas Police Department. . . . Sergeant Harkness testified that Euins told him that the shots came from the last window of the floor "under the ledge" on the side of the building they were facing. Based on Euins' statements, Harkness radioed to headquarters at 12:36 p.m. that "I have a witness that says that it came from the fifth floor of the Texas Book Depository Store." Euins accurately described the sixth floor as the floor "under the ledge." Harkness testified that the error in the radio message was due to his own "hasty count of the floor."'

No later than 12:36, then, headquarters knew from the reports of two different police sources that the assassin had fired from a clearly specified and easily accessible location. With the entire area literally swarming with policemen, it should have taken no more than a few minutes for them to reach the scene of the crime. But those in authority were not in a hurry, as is witnessed by this passage of the Warren Report:

'Shortly after the assassination, police officers arrived at the Depository Building and began a search for the assassin and evidence. Around 1 p.m., Deputy Sheriff Luke Mooney noticed a pile of cartons in front of the window in the southeast corner of the sixth floor. Searching that area, he found at approximately 1:12 p.m. three empty cartridge cases on the floor near the window. . . .'

In other words, it takes the police, which is on the spot in strength, more than twenty minutes to reach a window that has been pinpointed by at least two eyewitnesses. The Report, moreover, makes this appear as a sort of chance discovery, for Mooney was attracted to the window, it seems, by the 'pile of cartons' in front of it. Once he had reached the window and had started looking about the perfect sniper's nest that had been built around it, it took this remarkable police officer fully another twelve minutes to discover the three empty cartridge cases which the sniper had simply dumped on the floor after firing! For a dozen minutes, then, Deputy Sheriff Mooney was unable to see what was lying there openly, hitting him right between the eyes.

What shall one make of this unusual slowness in getting at the evidence in a presidential assassination? Perhaps its meaning will become clearer when we consider the even more marked torpor which Captain Fritz exhibited in the performance of his official duties.

At what precise moment was it that Lee H. Oswald became a suspect in the eyes of the homicide bureau chief? In trying to determine this important point, the Warren Commission was confronted by the starkly conflicting testimony of the TSBD supervisor, Roy Truly, on one hand and Captain Fritz on the other. The Warren Report states on this subject:

'Although Oswald probably left the building at about 12:33 p.m., his absence was not noticed until at least one-half hour later. Truly, who had returned with Patrolman Baker from the roof, saw the police questioning the warehouse employees. Approximately 15 men worked in the warehouse and Truly noticed that Oswald was not among those being questioned. Satisfying himself that Oswald was missing, Truly obtained Oswald's address, phone number, and description from his employment application card. The address listed was the Paine home in

Irving. Truly gave this information to Captain Fritz who was on the sixth floor at the time. Truly estimated that he gave this information to Fritz about 15 or 20 minutes after the shots, but it was probably no earlier than 1:22 p.m., the time when the rifle was found. Fritz believed that he learned of Oswald's absence after the rifle was found. The fact that Truly found Fritz in the northwest corner of the floor, near the point where the rifle was found, supports Fritz's recollection.'

Thus the Warren Commission, faced with an irreconcilable conflict of testimony, with a vitally important time difference of 32 to 37 minutes at stake, easily resolves the issue in favor of the police on the strength of a specious argument. So Truly and Fritz met in the northwest corner of the sixth floor, diagonally across the hall from the sniper's window, and that is supposed to prove that Fritz's recollection was right and Truly's wrong.

Actually, it proves nothing of the sort. For the northwest corner holds not only the place where the rifle was found, but also the stairwell which gives access to the hall. It would have been most natural, therefore, for Fritz and Truly, both mounting to the sixth floor at about the same time, to run into each other there. Or else, Fritz, who after all is supposed to have been searching the whole place, may have happened to be in the northwest corner at the time Truly says they met, i.e. about 12:45 to 12:50, independently of the time and the place the rifle was found.

It is easy to see why Fritz should have been anxious to discredit Truly's testimony in the case. For, if he learned of Oswald's absence as early as 12:45 or 12:50, his failure to take prompt action against this suspect looks even worse than in the light of his own time count. But even if one accepts his statement that it was not until about 1:22 that he learned of Oswald missing at the roll call, Fritz is hard put to it to explain satisfactorily why he hadn't put out a pickup order for the suspect yet by the time the latter was brought to headquarters. Indeed it was 2:15, according to the Warren Report, when Fritz finally made up his mind to send a detective to Irving to pick up Oswald—at a time the latter was already in custody and indeed facing the captain in his office (cf. Chapter 3).

Why did Fritz procrastinate for almost an hour by his own account, for an hour and a half according to Truly's testimony,

before moving to arrest a man he knew to be a prime suspect in the President's assassination? He himself told the Warren Commission he first wanted to go back to his office to see if Oswald had a police record. This is a very poor excuse. When you are hunting a presidential assassin, you make sure first that your man doesn't get away and then you check his past.

The Warren Commission did not see fit to press the issue, apparently sensing the only plausible explanation of all this shilly-shallying, and getting scared to death to probe any further. Before we try to find an answer to the question the Commission left dangling in the air, a third case of police sluggishness must be cited.

Indeed, there was also a considerable time lag between the moment Oswald was seen sneaking into the Texas Theater and the arrival of the police, although the boulevard outside was swarming with prowling cars at that time.

To be sure, this time lag is apparent only in the early accounts of Oswald's discovery and arrest. Later, the police, evidently alerted to the embarrassing questions that might be asked, managed to squeeze the time interval between information and arrest to the vanishing point by adding a few minutes here and subtracting a few there.

Originally it was reported in the press that Mrs. Julia Postal, the cashier of the Texas Theater, had called the police at 1:35, and there is corroborative evidence that she did. For, the distance from the place where Oswald is supposed to have shot Officer Tippit to the Texas Theater is less than the distance from Oswald's rooming house to the Tippit killing site, as Commission Exhibit No. 1119-A clearly shows. Yet the Commission, ever anxious to accommodate the Dallas police, has Oswald, 'walking briskly,' to cover the distance from his rooming house to the intersection where Tippit was slain in twelve minutes, while he apparently crawled from the latter spot to the Texas Theater. For, according to the Warren Commission, Oswald, after killing Tippit at 1:15, did not reach the cinema until 1:40—a twenty-five minutes' walk to cover a shorter stretch than the one he had covered in twelve minutes. This gingerly pace is incredible *per se* for a double murderer fleeing from all the furies at the heels of presidential assassins and cop-killers. And if, as all independent evidence suggests, Oswald had nothing to do with the Tippit

killing but walked straight from his room to Jefferson Boulevard (for the purpose of catching a bus to Fort Worth nearby), then he also would have reached his temporary refuge at the Texas Theater no later than 1:30.

The Dallas police, however, subsequently told the Warren Commission – which, as always, accepted this information without checking – that the call from Mrs. Postal did not come through until 1:45 – ten minutes later than it was actually made.

On the other hand, the police advanced, *post factum*, the exact time of Oswald's arrest. In his first press conference of November 23, 1963, as reported in the *New York Times* of November 24 under the heading 'Police Relate Story of Swift Capture,' Chief Jesse E. Curry had stated that 'the arrest came about 90 minutes after the assassination,' i.e. at 2 p.m. All other press reports of that period also mentioned 2 p.m., or even somewhat later, as the time of Oswald's arrest.*

Yet the Warren Report fixes the arrest at 1:50 and unblinkingly accepts the new version given to it by the Dallas police that by 1:51 police car 2 reported by radio that it was on its way to headquarters with the suspect.

If the new version were correct, one could evidently not find fault with the lapse of five minutes between the call from Mrs. Postal and Oswald's capture, and it is evidently for that purpose that the original time schedules were heavily revised. In an independent investigation, however, the original figures – call to the police at 1:35; arrest at 2 p.m. – must be kept in mind. There results a seemingly inexplicable time lag of twenty-five minutes which is quite in tune with the above-described slow-motion activities of Captain Fritz and Deputy Sheriff Mooney.

All told, then, we have three separate instances of incredibly slow police reaction where lightning speed could have been expected. Mooney takes more than twenty minutes to reach the specific location that had been pinpointed by at least two eyewitnesses as the sniper's hideout; and for twelve minutes thereafter he fails to see the empty cartridges on the floor, though he must have practically stumbled over them. Captain Fritz lets from one to one and a half hours go by before he acts on the

* The *Dallas Times Herald*, in its 4:15 p.m. edition of November 22, 1963, stated flatly that the suspect was caught at 2:10 p.m.

specific information that one Lee H. Oswald, living in suburban Irving, has become a prime suspect. And, finally, twenty-five minutes elapse between the moment police learn that a suspect has slipped into the Texas Theater and Oswald's arrest.

To make the point again, unmistakably: inasmuch as the two first-cited examples of police sluggishness are documented by the Warren Report, the revised time schedules set by the latter for the events at the Texas Theater can on no account invalidate my argument, the third instance being merely corroborative, not decisive.

What, then, is the upshot of all this? It is, unquestionably, that there was a *deliberate go-slow policy in effect*, from the time of the shooting until the order to get Oswald at the cinema was finally given.

What reasons could possibly have prompted a high-level decision not to rush things but to wait and see?

At this point we necessarily have to abandon – temporarily – the firm ground of demonstrable facts on which we have been moving so far and venture into the realm of theory or 'speculation.' What other possibility is there for getting closer to the truth, since the Warren Commission is content merely to record, without comment, such challenging facts as the unaccountable procrastination of Captain Fritz and Deputy Sheriff Mooney? It would have been their duty to try and find out what lay behind the slow motion investigation conducted by the Dallas police, but they preferred to skip the issue altogether. In the absence of any factual elements available from any official source, an independent investigator cannot but turn to theory to try to explain what cries out for explanation.

It is not merely a matter of conjecture, though. Fortunately, there is one firm anchorage for mooring our theory amidst an ocean of uncertainties.

A Fly in the Ointment

THE assassination of President Kennedy will go down in history as the perfect crime, perfectly staged. It was so flawless in conception because the plot contained a built-in guarantee that, once the Kennedy Administration had ended, the authorities, at all levels, would not be interested in tracking down the murderers. The preordained scapegoat, Lee H. Oswald, would be thrown to the wolves of the press and the public and that would be that. Total immunity from prosecution was inherent, for the real assassins, in the successful execution of their plot.

But the best-laid plans have a way of going wrong in some minute and unforeseeable detail and one such unexpected hitch came close to wrecking the whole thing. I am referring to the unscheduled irruption into the TSBD, within two minutes after the shooting, according to the Warren Report, of the motorcycle patrolman Marrion L. Baker who, dashing up the stairs, with Truly at his heels, encountered Oswald in the lunchroom and, with gun pointed at his stomach, scared him into absconding from the premises. The incident is well known and need not be further belaboured here. Nor does it matter for the purposes of the argument we are concerned with here, whether this encounter really took place within two minutes of the shooting or, as one eyewitness, Bill Shelley, has declared, within five or six minutes after the shots had been fired.*

Patrolman Baker had no business trying to arrest Oswald or scaring him into precipitate flight. He wasn't in the game and he wasn't supposed to come gatecrashing into it. Being close to the scene, as the shots reverberated, he acted on his own initiative and in the process almost messed things up completely.

I have always been of the opinion that the top brass of the Dallas police, in particular Chief Jesse E. Curry, were directly

* Cf. 'The Other Witnesses' by George and Patricia Nash in the *New Leader* of October 12, 1964.

involved in the conspiracy to kill Kennedy. In *Oswald: Assassin or Fall Guy?* I spelled out this conviction without mincing my words. Ever since, I have been patiently waiting for Curry to sue me for libel. He hasn't done so yet, although it would have been his duty to sue me, and I doubt that he ever will, though I shall do my best to goad him further.

Curry was certainly not alone among top Dallas police officials to be implicated in the crime. Captain Fritz for one has clearly demonstrated, through his whole behaviour, that he was also involved in the conspiracy. Lieutenant Day may have been no more than a tool—perhaps some day the question can be settled in court. There have certainly been other accomplices in the Dallas police force. But it is just as certain that the vast majority of local police officers were not initiated—and could not have been. And one of those innocents was Patrolman Baker who saw the President being fired on, dismounted, drew his gun and launched himself in hot pursuit of the assassin. In doing so he threw a real monkey-wrench into the elaborate plot that had the blessing of his superior officers.

In his above-mentioned press conference, Curry, as quoted by the *New York Times*, said he radioed instructions that the TSBD be surrounded and searched 'moments after the fatal shot was fired.'

How well was this order executed? For about *six minutes* after the shooting, the Warren Report reveals, all exits were wide open. Even after guards had been placed at 'the front door' and 'the rear door' of the Depository, the loading platform, a customer's door and a rail entry remained unguarded, as the Nashes point out in 'The Other Witnesses.' And they quote Bill Shelley, a foreman, as saying 'Any one of a thousand different people could have entered or left the building and nobody would have known it.'

Why, then, was there so little compliance with Chief Curry's order? Because those in command, I believe, were thrown into a moment of total disarray when they found out that Oswald was gone, due to the impromptu challenge by Patrolman Baker.

Visualize the scene as it most likely had been set up by the plotters. The President is killed in a crossfire ambush, one assassin firing from the front (hence the throat wound), another—not Oswald—from the rear. Instantly the TSBD is sealed off

and while the real killer stationed at the sixth-floor window makes his escape via a prearranged route, a roll call of employees takes place. At this roll call, suspicion falls on one of those questioned, an obscure worker named Lee H. Oswald, because of his 'Red' past, his fingerprints (some of which were immediately taken by the Dallas police before the rest were sent to the FBI Laboratory in Washington) and possibly other incriminating evidence. Oswald then is taken into custody, is made to confess (or is 'convicted' the way he was by District Attorney Henry Wade) and meets with an untimely death before a lawyer or anyone else can challenge the 'evidence.' And then the book is closed.

I am satisfied that this was the blueprint, give or take a few minor details. With the bird unexpectedly flown, improvisation had to take the place of careful planning, and the inevitable result was momentary confusion.

That's why Curry's 'surround and search' orders were held in abeyance (what was the use, since the predestined suspect was gone?).

That's why it took the police so long to discover a sniper's nest that had been pointed out to them by eyewitnesses and to find cartridges that were staring them in the face.

That's why Fritz took such an unconscionable time to issue a pickup order against a clearly defined suspect.

Everybody who was in the plot in a subordinate capacity was waiting for new instructions, I imagine, while hurried consultations and secret conferences were underway in some backroom between key figures in the conspiracy, including top police officials.

The crux of the problem now facing the plotters was that with Oswald gone – and he might well have vanished from sight completely – one of their own fellow conspirators, indeed one of the two killers, was in danger of exposure. That man was Patrolman J. D. Tippit.

I am not making this charge lightly against a dead man. It is my considered opinion that the sniper in the sixth-floor window of the TSBG was Tippit, rather than Oswald, and that he was liquidated by his fellow plotters, within three-quarters of an hour after he had accomplished his mission, because Oswald's disappearance put him – and them – in danger of detection.

My principal reason for believing that Tippit was the sniper in the window is not that his face bore a marked resemblance to Oswald's, but that this startling fact was deliberately and successfully withheld from the press and public.

At the time, immediately after the Dallas murders, when the late Patrolman Tippit was being built up in the papers as a great hero who had sacrificed his life trying to capture the President's assassin, and while a huge sum in donations poured in on his bereaved widow, not a single picture of him appeared anywhere. Even such eminently pictorial magazines as *Life* did not find it necessary to carry (or were unable to obtain) a picture of the national hero to go with the reams of copy that were devoted to his life, his family and his alleged sacrifice. Such treatment of a major news story runs counter to all the traditions of the American and indeed the world press.

Why no picture? Hundreds, nay thousands of editors must have asked that question as they scanned the columns of copy they were about to publish in praise of the faceless hero. If any of them ever bothered to find out why no pictures were available, their discoveries remained a well-guarded secret. Indeed, it was not until after the Warren Report had been issued, and the Oswald case could be considered closed, that a picture of Tippit was published here and there (for instance, on the inside back cover of the Bantam edition of the Warren Report).

Compare that picture to the well-known photo of Oswald in his T-shirt, holding up his manacled hands as he is being led through police headquarters. There is a striking resemblance in the shape of the brow, the eyebrows, even the nose and the chin. Only, Tippit's face is clearly that of a considerably older and heavier man than Oswald – and that is precisely one more compelling reason for thinking that he was the assassin, or rather one of the assassins.

For, according to the Warren Report, 'Within minutes of the assassination, Brennan described the man to the police. This description most probably led to the radio alert sent to police cars at approximately 12:45 p.m., which described the suspect as *white, slender, weighing about 165 pounds, about 5' 10" tall, and in his early thirties.*' In his sworn statement to the police later that day, Brennan described the man in similar terms, except that he gave the weight as between 165 and 175 pounds

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and the height was omitted. In his testimony before the Commission, Brennan described the person he saw as ' . . . a man in his early thirties, fair complexion, slender, but neat, neat slender, possible 5 foot 10, . . . 160 to 170 pounds.'

This description of the sniper in the window never did fit Oswald, who was 24 and looked younger; weighed only 140 pounds at the time of his arrest and was in fact thin rather than slender (certainly not 'neat slender'); and only 5 feet 9 inches tall.

Conversely, the description does fit Tippit to a 't,' for the policeman was in his thirties, neat slender, of fair complexion and taller than Oswald. His facial resemblance with the latter would easily account for Brennan's mistaken impression that the man he saw in the window was Oswald. Moreover, Brennan, in his first deposition to the police, did not make a positive identification of Oswald (later, as the pressure on him increased, he became more 'positive') and at the line-up he merely stated that Oswald was, among the prisoners confronting him, the one who most resembled the sniper in the window. Had he been looking at Tippit instead, Brennan could hardly have made a different choice, for none of the other prisoners in the line-up—two teenagers and a Mexican—came even close to matching his earlier description of the sniper.

All this might not be enough to incriminate Tippit, were it not for the independent evidence available which clearly links him to the plotters.

In the first place, the Warren Report has revealed what none of the critics of the official version had known or suspected before, to wit that Tippit was in close touch with the extreme right-wing, Kennedy-hating John Birch Society. To be sure, the Report tries to play down this extraordinarily revealing disclosure: 'Although at the time of the assassination Tippit was working weekends in a Dallas restaurant owned by a member of the John Birch Society, the restaurant owner stated that he never discussed politics with Tippit.'

Why didn't the Commission make public the name of this restaurant owner or reveal whether his statement was made under oath? And why didn't it probe into the reasons why Tippit, a full-time police officer of twelve years' standing in the force, with a salary of \$490 a month, should be working weekends in a restaurant, ~~contrary~~ to regulations? Evidently the

Commission preferred not to go into any details that would not make Tippit look so good.

Then there is the explicit, sworn statement by lawyer Mark Lane that he had information that Tippit and the notorious Bircher Bernard Weissman (who placed the Kennedy-baiting full-page ad in the *Dallas Morning News* on the day of the assassination) met with Jack Ruby at the latter's nightclub, the Carousel, on November 14, just eight days before the crime.

Contrary to the truth, the Warren Report has stated that Ruby denied that this meeting ever took place, for the actual transcript of that famous interview between Chief Justice Warren and convicted killer Ruby at the Dallas County Jail, on June 7, 1964, shows that Ruby never answered the question as to whether the alleged meeting had taken place, but evaded it. And Warren, far from pressing the point, quickly changed the subject. Indeed, if any proof of Mr. Lane's assertion were needed, this devious way of handling the matter by the official investigators would supply it.

Finally, it should be noted that Tippit, when he was killed, was driving eastward on East 10th Street towards, and at a point only two blocks away from, Ruby's home on Marsalis Street. This fact, suppressed by the Commission, tends to suggest that he was on his way to another meeting with Ruby, who in all probability acted as a payoff man for the conspirators. Presumably Tippit meant to collect and was duly paid off—though not in the coin he had reckoned on.

This is, indeed, another reason why the plotters would want to do away with the actual killer: in a situation such as this, the danger of endless blackmail is ever present and it is usually eliminated at the point of a gun. Whoever was dispatched for the fatal rendezvous with Tippit on East 10th Street certainly had what Oswald lacked so conspicuously in both killings that have been ascribed to him: a motive.

In the sudden emergency that arose after Patrolman Baker had, in all innocence, stepped so clumsily into the web of conspiracy, the plotters, I feel sure, were more concerned with getting rid of Tippit than with getting hold of Oswald. In any case, the preordained culprit was at large somewhere in a big city, while the policeman could be ordered by radio to go where he was wanted—even to a meeting with death.

The Tippit Murder Hoax

IF the official version of how Oswald killed President Kennedy does not stand up to close scrutiny, the story of his alleged slaying of Patrolman J. D. Tippit falls flat at a mere glance. It was made up out of whole cloth, pulled out of thin air by the Dallas police.

That this monstrous hoax was nevertheless accepted as gospel truth by the vast majority of Americans—including, sadly enough, many otherwise discerning critics of the Warren Report—is a mighty tribute to the immense powers of mass media suggestion. That the Warren Commission endorsed it, and even embellished upon it, is conspicuous proof of its lack of good faith. For the evidence that Oswald had nothing to do with the killing of Tippit, that indeed he was not anywhere near the murder scene, at the time this crime was committed, is so overwhelming it cannot possibly have been overlooked or misjudged by the Commission. Let us examine now one by one the pillars of this evidence, each one of which would have been enough, all by itself, to sustain a defence plea for acquittal in a regular trial, while all of them taken together sustain a demand for the indictment of Oswald's accusers.

1. The Time Element

'At approximately 1:15 p.m.,' the Warren Report says, 'Tippit, who was cruising east on 10th Street, passed the intersection of 10th and Patton. . . . About 100 feet past the intersection Tippit stopped a man walking east along the south side of Patton. . . .'

* Patton Avenue runs north and south. What the Commission means, and what its map of the Tippit slaying (Exhibit 1968) shows, is that the man was walking along the south side of 10th Street. Just one more of those slip-ups. The 'thorough' Warren Report is full of them.

How does the Warren Commission know that it was 'approximately 1:15' when Tippit passed the intersection? He was alone in the car, his radio was silent at that moment and, one minute later, he was dead. He had last reported to the dispatcher at 12:54 when he was eight blocks away, the Report states.

How long does it take a patrol car, even cruising slowly, to cover eight blocks? Would it take nineteen minutes? This exorbitant time span, for which the Commission offers no explanation, strongly suggests that Tippit reached the intersection much earlier than 1:15.

Did anybody see him reach the intersection? Of the nine witnesses who are supposed to have identified Oswald as Tippit's slayer, only two, by the Commission's own account, saw the killer *in action*; the other seven merely observed him *in flight*.

At the moment Tippit reached the intersection, he was going east. Domingo Benavides, one of the two action witnesses, was driving west on the same street. According to the Report, he was at the intersection one block east of 10th and Patton when he saw the shooting. That means Benavides must have been at least another block further east at the time Tippit reached the intersection 10th and Patton. This distance—or even the one-block distance—completely rules out Benavides as a witness who could have seen Tippit reach the intersection and note that the time was 1:15. Nor does the Commission claim that Benavides did.

That leaves Mrs. Helen Markham as the only other possible source of the information that the time was 1:15 when Tippit crossed the intersection. Did she tell the Commission that this was the correct time? The Report is prudently silent on this crucial matter, and for good reason. For, on the very same day, November 22, 1963, Mrs. Markham appeared before Notary Public Robert Wisdom of Dallas and swore out an affidavit in which she stated that the time Tippit was slain was just after 1:06!

I have seen a photostat of that affidavit with my own eyes. Lawyer Mark Lane, who secured it from Dallas police files, showed it to me. Since Mr. Lane gave quite a bit of publicity to this photostat and it was also mentioned in my book *Oswald: Assassin or Fall Guy?* the Warren Commission cannot have been

ignorant of its existence. Yet no mention of it is made in their Report.

It would have been the privilege, nay the duty, of the Warren Commission to question the authenticity of that affidavit. They preferred silence to challenge, for obvious reasons. For there is only one person who can state with finality whether that affidavit is genuine or spurious. That man is Robert Wisdom, Notary Public. *The Commission did not call on him to testify.*

I really could stop here. In the absence of official challenge to the document in which the *only* witness to Tippit's crossing of the intersection swore that the time was 1:06, this time element must stand, for there is no counter-evidence whatsoever to disprove its exactness.

Without Mrs. Markham, the Commission, in fixing the time at 1:15, doesn't have a leg to stand on; with her, a broken leg.

Why is it so important that the exact, or even the approximate, time should have been 1:15? Because the Report states explicitly: 'If Oswald left his roominghouse shortly after 1 p.m. and walked at a brisk pace, he would have reached 10th and Patton shortly after 1:15 p.m.'

Conversely, this statement means that Oswald could not possibly have reached the intersection much earlier, certainly not several minutes earlier. The Commission itself sets the exact time of his departure at 1:03, as the chart 'Whereabouts of Lee Harvey Oswald' (Exhibit 1119-A) shows. By Mrs. Markham's time, then, Oswald would have had just three minutes to cover the nine-tenths of a mile from his roominghouse to the Tippit murder scene. Impossible. Oswald had a watertight alibi.

Just for the sake of argument, let us ask, nevertheless, the legitimate question: How does the Commission know that Oswald did 'walk at a brisk pace'? Of course it doesn't. Nobody saw Oswald walk in that area. Had he tarried a little here or there, along his supposed route to the Tippit slaying scene—and a presidential assassin might well take fright at the sight of a police car or some other threat and momentarily hide in a doorway or take a detour—Oswald couldn't have made it even if we were to take the 1:15 time for granted, unsupported as it is by any kind of evidence.

2. The Wrong Location

Nor does the Commission bother to elucidate the important question why Oswald should have been in that particular place—the Tippit murder scene—at that particular time. One glance at the detailed street map in Exhibit No. 1119 shows conclusively that a person starting out from the roominghouse at 1026 North Beckley and heading for the Texas Theater—and, mind you, the police and FBI reports in Appendix XI state specifically that Oswald left his room with the *intention* of going to the movie!—has no business whatsoever in the area of the Tippit slaying—a quiet residential section where there are no movies.

What is more, if Oswald had really walked in that direction, once he had reached the intersection of 10th and Patton, he would have had to turn west to get to West Jefferson Boulevard, where the Texas Theater is located. Yet the Report states explicitly that Tippit stopped a man walking *east* from that point and caught up with him 100 feet past the intersection. Unaccountably, the Commission offers no explanation why a person headed for a specific destination should walk away from it; yet surely Exhibit 1119-A, with its illogical display of Oswald's supposed movements, would seem to call for such an explanation.

In *Oswald: Assassin or Fall Guy?* I had strongly made the point that Oswald, since he was caught on West Jefferson Boulevard, which he followed in a westerly direction until, scared by the police car sirens, he ducked into the Texas Theater, evidently was on his way to a bus stop wherefrom he could get quickly to Fort Worth, home of his mother and brother. Had he really been the President's assassin, he would have had an even more compelling reason to get out of town fast. Conversely, he had no reason whatever to head for the residential district, far from any traffic artery leading out of Dallas, where Tippit was slain.

Why didn't the Warren Commission investigate this aspect of the matter? Why didn't it look for any ground that could have prompted Oswald to head for the intersection 10th and Patton? But, does the Commission ever bother with finding a plausible motive for the weirdly implausible sequence of events it describes?

3. Impossible Recognition

It should be clear to the least critical mind that the entire case of the Dallas police against Oswald, in the matter of the Tippit killing, is predicated on the premise that the patrolman recognized in the person walking ahead of him on 10th Street the man wanted for the assassination of President Kennedy. If the policeman had reason to stop the stranger on some other suspicion, Oswald automatically drops out of the picture.

Now, what information did Tippit have to go on that could have led him to suspect the unknown person he could see only from the back of being the assassin?

According to the Warren Report, 'Tippit must have heard the description of the suspect wanted for the President's shooting; it was broadcast over channel 1 at 12:45 p.m., again at 12:48 p.m., and again at 12:55 p.m. The suspect was described as a "white male, approximately 30, slender build, height 5 foot 10 inches, weight 165 pounds." A similar description was given on channel 2 at 12:45 p.m.'

Now, the FBI Report by Agent Manning C. Clements, which is cited integrally in Appendix XI, includes among its descriptive and biographical data of Oswald the following: 'Date of Birth — Oct. 18, 1939; Height, 5' 9"; Weight, 140.'

Tippit, then, was looking for a suspect about six years older, one inch taller and 25 pounds heavier than Oswald. Of the five data furnished by the police broadcast, therefore, three were substantially different from Oswald's specifications.

What is left, is 'white man' and 'slender build.' And on the basis of these two items, which would apply to tens of thousands of persons in Dallas, Tippit is supposed to have recognized the man walking ahead of his car as the wanted assassin of President Kennedy!

Even if Tippit had been fiercely determined to stop and question every white male of slender build he would spot in the neighbourhood, the three specific but misleading points of information in the wanted bulletin broadcast by the police radio would have been enough to warn him that he was wasting his time in this particular case.

Indeed, Oswald looked even younger than his twenty-four years. One could not possibly mistake him for a person about

thirty years old. Moreover, he was so thin, nobody in his right mind would estimate his weight at 165 pounds. And he fell short by a whole inch of the height indicated in the broadcast.

It is, therefore, in obvious desperation that the Warren Commission attempts to make the utterly impossible look plausible by stating blandly (in Appendix XII):

'There is no certain way of knowing whether Tippit recognized Oswald from the description put out by the police radio. The Dallas Police Department radio log shows that the police radio dispatcher at 1:29 p.m. noted a similarity between the broadcast descriptions of the President's assassin and Tippit's slayer. It is conceivable, even probable, that Tippit stopped Oswald because of the description broadcast by the police radio.'

This, coming from a presidential commission of seven sages, headed by the Chief Justice of the United States, is truly hair-raising. Consider the three sentences of this monumental paragraph, each on its own merits and in relation to the case at hand.

'There is no certain way of knowing, etc.'

By admitting that there is no certainty, the Commission inevitably concedes that the opposite may also have happened. In other words, it is quite possible that Tippit did not recognize Oswald from the description put out by the police radio. But on what other basis could he have recognized him? To pose the question is enough to reduce the whole statement *ad absurdum*.

The second sentence of this paragraph is so preposterous, in this context, as to be downright ludicrous. For the entire paragraph serves to rebut the 'speculation' that 'Tippit could not have recognized Oswald from the description sent out over the police radio.'

To disarm this sceptical view, the Commission states that 'the police radio dispatcher at 1:29 p.m. noted a similarity between the broadcast descriptions of the President's assassin and Tippit's slayer.' And Tippit was killed, by the Commission's own account, at 1:16 p.m. Are we to believe, then, that Tippit recognized Oswald not only as the assassin of Kennedy but also as his own slayer?

Finally, the third sentence also bears the hallmark of absurdity: 'It is conceivable, even probable, that Tippit stopped

Oswald because of the description broadcast by the police radio.'

To grasp the enormity of that sentence, imagine for one moment the Chief Justice of the United States—yes, the very same Earl Warren who lent his name to this Report—casting the determining vote in a Supreme Court decision upholding the conviction of a doomed killer because it is 'conceivable' that he shot a policeman! For, if it is no more than 'conceivable, even probable' that Tippit stopped Oswald, then it also is no more than 'conceivable, even probable' that the latter retaliated by shooting his way out of this predicament. The two things hang together.

4. No Challenge—No Motive

No less absurd is the way the Report describes the alleged deadly encounter between Tippit and Oswald. The scene is depicted in the Report in two different places with considerable variation in detail and emphasis. Both versions, however, agree to make it crystal-clear that Tippit did not challenge the 'suspect' with the traditional 'Hands up—or I shoot!' or even with a peremptory 'Come over here, you!' but engaged in a casual, almost friendly conversation with him before the shooting occurred.

In one place, the Report says: 'Tippit stopped the man and called him to his car. He approached the car and apparently exchanged words with Tippit through the right front or vent window. Tippit got out and started to walk around the front of the car. As Tippit reached the left front wheel the man pulled out a revolver and fired several shots. Four bullets hit Tippit and killed him instantly. . . .'

The second version reads: '. . . Mrs. Markham saw a police car slowly approach the man from the rear and stop alongside of him. She saw the man come to the right window of the police car. As he talked, he leaned on the ledge of the right window with his arms. The man appeared to step back as the policeman "calmly opened the car door" and very slowly got out and walked toward the front of the car. The man pulled a gun. Mrs. Markham heard three shots and saw the policeman fall to the ground near the left front wheel . . .' (italics added—J.J.).

he didn't have his gun drawn

UNLESS TIPPIT WAS SUPPOSED TO MEET AN ENEMY

Try to visualize this Kafkaesque scene, described here on the highest authority, the Warren Report. Tippit, a former paratrooper, is an experienced police officer of eleven years' standing. He is on the alert for a desperado who has just murdered the President of the United States in cold blood. He spots a suspect who seems to fit (as the Report says) 'the general description' of this most wanted man. This, then, is the model case of a situation where the old police maxim 'Shoot first, ask questions later' would seem to apply.

And what does Tippit do? He calmly pulls up alongside the desperado and calls him to the car—at the obvious risk of posing as a sitting duck in an instantaneous hail of bullets.

And what does 'Oswald' do? He doesn't take to his heels, he does not shoot it out, on the spot, while he is in the most advantageous position—he goes to talk it over with the cop, whatever their subject of conversation may be. Better still, he leans on the ledge of the window with both arms to engage in an obviously unruffled chat with The Law.

Then the potential avenger of a murdered President 'calmly' opens the car door, 'very slowly' gets out and, evidently without a care in the world, walks around the front of the car. As he reaches the left front wheel, this peaceful world suddenly goes berserk—and bang! bang! bang! down goes the unsuspecting brave cop.

Is it possible that this could have happened? Is it probable? Is it conceivable?

The obvious, conspicuous fact that there was no challenge and therefore no need for a violent response has puzzled many observers. But even among them, few indeed are those who dare draw the inevitable conclusion from an obviously false premise. Even so searching a critic of the Warren Report as Sylvan Fox* is satisfied to ask the lame question 'Why Did Oswald Kill Tippit?' The answer is self-evident: He didn't. The gunman was somebody else.

5. Invalid Identification

'At least 12 persons saw the man with the revolver in the vicinity of the Tippit crime scene at or immediately after the

* The Unanswered Questions about President Kennedy's Assassination. Mayflower-Dell.

HE COULDN'T MEET OFF-DUTY OFFICER

shooting,' the Warren Report states under the heading 'Eye-witnesses.'

The Commission is being too conservative here. Fact is, that at least fifteen persons watched the murder or saw the killer fleeing from the scene. But the Warren Commission, true to its guiding maxim 'Whoever does not incriminate Oswald is not a witness; whatever tends to exonerate Oswald is not evidence,' simply chose to ignore (at least) three of them—the most important ones.

As for the remaining dozen, the ones acceptable to the Commission, we learn that 'by the evening of November 22, five of them had identified Lee Harvey Oswald in police lineups as the man they saw. A sixth did so the next day. Three others subsequently identified Oswald from a photograph. Two witnesses testified that Oswald resembled the man they had seen. One witness felt he was too distant from the gunman to make a positive identification.'

That sounds impressive, and it is meant to. A dozen eyewitnesses, only one of whom refuses to make a positive identification. That leaves eleven to point the finger at Oswald, surely enough to convince a judge and jury, Maybe—in the absence of counsel for the defence. Let any competent lawyer go to work on those eleven 'identifications'—and what remains of them will be less than nothing.

The Commission's star witness is Mrs. Markham. Now, before we examine what she told, or is supposed to have told, the official investigators, let me quote what Mrs. Markham told reporters on the spot, immediately after the shooting. The *Dallas Morning News* of November 23, 1963, reported on this score:

'Witnesses to the shooting described a *bushy-haired* man about 30 as Tippit's slayer. They said he wore a *white cotton* jacket. He had run from the area. . . .'

Note the plural used in this account: 'witnesses' . . . 'they.' For, if Mrs. Helen Markham is one of them, and is further quoted in that story, there were others who corroborated her description of the gunman as being 'bushy-haired' (Oswald had thin, straggly hair); about thirty years old (Oswald was barely 24); and wearing white cotton jacket (Oswald wore a gray zipper jacket). This description, then, did not fit Oswald any more than did the wanted bulletin put out for Kennedy's assassin.

Mrs. Markham repeated this description in her sworn statement before Notary Public Wisdom that day; and she reiterated it, in essence, in a tape-recorded telephone conversation with lawyer Mark Lane, the authenticity of which even the Warren Commission was forced to concede, after first having disputed it.

This is one side of Mrs. Markham; the other resulted when the Dallas police gave her a thorough treatment in the approved carrot-and-club style. In Mrs. Markham's own words: '*The police treated me like a queen.*'

That was when she obliged the police by 'identifying' Oswald at a lineup that same day, at which she had the choice between two eighteen-year-olds (*a priori* out of the question), a dark-hued, twenty-six year old Mexican (an unlikely prospect, in the case, because of his tan), and a bruised and battered individual whose face had already appeared on television screens—Oswald. Mindful of the queenlike treatment she, a woman of very humble status, was getting from the police, Mrs. Markham picked Oswald as the man she had seen, although his physique differed in several important respects from the description she had given to the press and in her affidavit—and even more in another she was to give later to Mark Lane when he called her on the phone. For, in the course of that recorded conversation, she added that the gunman was 'short, a little on the heavy side,' which completely rules out Oswald.

When the Dallas police learned about this telephone conversation, they were through with the 'queen.' What happened next is thus described in the Warren Report (Appendix XII):

'On June 30, 1964, another of Mrs. Markham's sons, James Alfred Markham, was arrested at Mrs. Markham's apartment by Dallas Police on a charge of burglary. *While trying to escape*, he fell from the bathroom of the apartment to a concrete driveway about 20 feet below. He was taken to Parkland Memorial Hospital, treated for injuries, and after 6½ hours was taken to jail. As of July 31, 1964, he was in Dallas County jail awaiting trial. There was also a warrant outstanding against him for parole violation.'

'While trying to escape. . . .' That sentence is, the world over, the inevitable concomitant of ruthless police brutality. How many people who supposedly 'fell' from windows 'while

trying to escape' have not actually been pushed out the window by the cops!

So James A. Markham was a parole violator. That goes a long way to explain why his harassed mother consented to identify Oswald as the totally different gunman she had seen and described, and why she later got involved in an inextricable mess of contradictory statements. The poor woman, innocent victim of circumstances, almost went out of her mind—and lost her job, too. How would an 'identification' made under such conditions stand up in a court of law? Yet it was good enough for the Warren Commission. It was good enough for the Chief Justice of the United States.

Another woman witness to the Tippit drama, Mrs. Aquilla Clemmons, was also brutally intimidated by the Dallas police. They even went so far as to send a detective around to Mrs. Clemmons' place to warn her to keep her mouth shut—or else. She herself related in a recorded statement to Mark Lane that the policeman had told her that if she talked to anybody, she 'might get killed on the way to work.'

Mrs. Clemmons also described the killer as 'short' and 'heavy' and 'kind of stocky-built,' which jibes with Mrs. Markham's original description of the gunman. Oswald could not be described in these terms by any stretch of imagination. So the Warren Commission simply *ignored this witness*, although her name and address were well known to them.

Now for the other acknowledged 'eyewitnesses.' Besides Mrs. Markham, the Report informs us, a truck driver by name of Domingo Benavides watched the killing of Patrolman Tippit at a distance of about 25 feet. At this short distance he must have gotten a good look at the slayer. Yet 'when questioned by police officers on the evening of November 22, Benavides told them that he did not think that he could identify the man who fired the shots. As a result, they did not take him to the police station. He testified that the picture of Oswald which he saw later on television bore a resemblance to the man who shot Officer Tippit,' says the Report.

Who is fooling whom here? The police the Warren Commission, or the Commission the public—or both?

What really happened should be clear to any open mind. Benavides, 25 feet away from the policeman, whom he watched

being hit and fall to the ground, must have been able to recognize the killer at a lineup. But apparently Benavides who, like Mrs. Markham and Mrs. Clemmons (who was not taken to a lineup either), had seen a man completely different in size, build, features and attire from Oswald, refused to perjure himself. That's when the police decided that they could do without Benavides. And, as a mere cover story for their failure to confront this important witness with the accused at a lineup, they then made up the tale that Benavides 'did not think that he could identify the man who fired the shots.'

Needless to say that Benavides' belated 'testimony' before the Warren Commission to the effect that the Oswald he had seen on television 'bore a resemblance' to the man who shot Tippit means nothing at all. Quite apart from the near-certainty that Benavides, in the meantime, had been subjected to heavy pressure from the Dallas police and perhaps also from the FBI and the Commission itself, any self-respecting judge would throw that kind of 'identification' out of court proceedings, *prestissimo*. Besides, how could Benavides note a resemblance, if he couldn't identify?

The same goes for all the 'identifications' contributed, more or less willy-nilly, by persons who supposedly watched the Tippit killer make his escape. Most of them simply identified Oswald as Oswald, for his image had been indelibly engraved on their minds by the newspapers and television before they were called upon to testify before the police, the FBI or the Commission. And all of them were much too far away from the gunman they saw running away from the scene of the crime to be able to make a valid positive identification. For the most part, they also qualified their statements in one way or the other with such phrases as 'what I saw of him' or 'I would say that was him,' etc.

Most significant is the story of the four witnesses on the used-car lot, as told by the Warren Report in these terms:

'As Oswald ran south on Patton Avenue toward Jefferson Boulevard he was moving in the direction of a used-car lot located on the southeast corner of this intersection. Four men—Warren Reynolds, Harold Russell, Pat Patterson, and L. J. Lewis—were on the lot at the time, and they saw a white male with a revolver in his hands running south on Patton. When the man reached Jefferson, he turned right and headed west. Reynolds

and Patterson decided to follow him. When he reached a gasoline service station one block away he turned north and *walked* toward a parking area in the rear of the station. Neither Reynolds nor Patterson saw the man after he turned off Jefferson at the service station.'

Let us stop here for a moment and consider these curious happenings. Two men follow an armed suspect, presumably at a respectful distance. He doesn't seem to be in a hurry, for he is *walking*, not running, at any rate after a while. They watch him as he follows one street, then another, reaches a service station and then *walks* toward a parking area. And there, all of a sudden, the man vanishes from sight. How come? Why didn't Reynolds and Patterson edge a little bit closer to see where their quarry had gone? Or what did they see at that parking lot that cautioned them to keep their noses clean? Maybe Captain Westbrook and his cohorts? I'll come back to that interesting point later. Meanwhile let us take up the Warren Report where we have left it off.

'These four witnesses were interviewed by FBI agents two months after the shooting. Russell and Patterson were shown a picture of Oswald and they stated that Oswald was the man they saw on November 22, 1963. Russell confirmed this statement in a sworn affidavit for the Commission. Patterson, when asked later to confirm his identification by affidavit said he did not recall having been shown the photograph. He was then shown two photographs and he advised that Oswald was "unquestionably" the man he saw. *Reynolds did not make a positive identification* when interviewed by the FBI, but he subsequently testified before a Commission staff member and, when shown two photographs of Oswald, stated that they were photographs of the man he saw. L. J. Lewis said in an interview that *because of the distance* from which he observed the gunman he would hesitate to state whether the man was identical with Oswald' (italics mine - J.J.).

So here we have four men on the same lot. One of them states truthfully that the distance was too great for accurate observation of the gunman. Indeed, one has only to glance at the aerial view of that neighbourhood presented in Exhibit 1968 to realize that the four men in the car lot who were looking at the fleeing gunman diagonally across from a wide boulevard (Jefferson)

could not possibly have had more than the most fleeting glimpse of his features. What good is, under such circumstances, an 'identification' made two or even several more months later, from photographs? Why, any lawyer would have made short shrift of such meaningless testimony in the process of cross-examination.

But there was no lawyer. No witnesses were ever cross-examined. And there was to be no trial. To the 'fact-finding agency' the Warren Commission pretended to be, anything that would incriminate Oswald was good enough to be accepted as evidence. The preposterous case of the four 'eyewitnesses' in that car lot proves it.

The case of Warren Reynolds deserves some further comment. On January 22nd, 1964, i.e. the day after Reynolds had been interviewed by the FBI and had refused to make the positive identification of Oswald that was expected of him, he was shot and seriously wounded by an assailant hiding in his office after closing hours. The amazing story of this assault and further developments was told in detail by Bob Considine in the *New York Journal-American* of February 23, 1964, and I quoted extensively from it in my previous Oswald book. Although the attack on Reynolds was clearly an outgrowth of his failure to co-operate with the police in 'identifying' Oswald, the Warren Commission found it unrelated to the twin drama of November 22, 1963 - just as it couldn't see any connection between those events and James A. Markham's fall from the bathroom window of his mother's home.

'Two other important eyewitnesses to Oswald's flight were Ted Callaway, manager of a used-car lot on the northeast corner of Patton Avenue and Jefferson Boulevard, and Sam Guinyard, a porter at the lot,' the Report further relates. 'They heard the sound of shots to the north of their lot. Callaway heard five shots, and Guinyard three. Both ran to the sidewalk on the east side of Patton at a point about a half a block south of 10th. They saw a man coming south on Patton with a revolver held high in his right hand. According to Callaway, the man *crossed to the west side* of Patton. From across the street Callaway yelled, "Hey, man, what the hell is going on?" He slowed down, halted, said something, and then kept on going to the corner, turned right and continued west on Jefferson. Guinyard claimed that

the man *ran down the east side* of Patton and passed within 10 feet of him *before crossing to the other side*. . . .'

These conflicting statements plainly cancel each other out. If one of two men standing closely together saw the suspect run on the east side, the other on the west side of the street, it is clear that neither one of them was quite sure of what really happened or got a good look at the man. Besides, Patton Avenue is a fairly wide street and if we discount Guinyard's claim that the person passed within ten feet of him – that the Commission did is apparent from the tracing of the escape route in Exhibit 1968 – these two witnesses cannot have seen 'Oswald' at a closer range than about 30 feet. Yet both 'identified' him at the lineup.

Generally speaking, all those 'eyewitnesses' who got a glimpse of that man running down Patton Avenue and then turning into Jefferson Boulevard evidently pointed the finger at Oswald, because by the time they were questioned the whole nation knew that he was the one who had assassinated the President. The power of mass suggestion played havoc with the minds – and the recollections – of all these people. And the heavy pressure applied by the Dallas police to all witnesses, real or imaginary, forefully helped to keep them in line.

Moreover, even if these witnesses had seen the real Oswald coming down Patton Avenue – indeed, even if he had been holding a revolver in his right hand – that still would not prove that he was identical with the man who had killed Tippit around the corner on 10th Street. The only eyewitnesses who could definitely incriminate Oswald were those on the scene of action. And two of them, Mrs. Markham and Mrs. Clemmons, described a man totally different from Oswald, while the third, Mr. Benavides, actually refused to identify the police suspect as the real killer.

The Counter-Evidence

On top of all this comes the stunning disclosure made after the publication of the Warren Report by the two young scholars from Columbia University, George and Patricia Nash, both trainees of the University's Bureau of Applied Social Research. Their exclusive findings published in *The New Leader* of October 12, 1964, have been widely reprinted and I have also quoted

extensively from them in the post-Warren edition of *Oswald: Assassin or Fall Guy?*

In a nutshell, here is what the Nashes turned up in Dallas, in the course of a two-week on-the-spot investigation:

They discovered a couple, Mr. and Mrs. Frank Wright, who lived in a ground floor apartment on 10th Street, about half a block east of the murder site. From this vantage point, both Mr. Wright and his wife, alerted by the shots, were able to observe at close quarters what had happened. They both saw Tippit lying on the ground next to his car, and Frank Wright, who had gone out of the door while his wife rushed to the phone to call the police, also saw the man standing in front of the corpse. 'He had on a long coat. It ended just above his hands. I didn't see any gun. He ran around on the passenger side of the police car. He ran as fast as he could go and *he got into his car*. His car was a grey, little old coupe. . . .'

The fact that the Wrights were actual eyewitnesses is attested to by conclusive circumstances. For Mrs. Wright's call resulted in an ambulance being dispatched to her address, 501 East 10th Street. The Nashes also located the Funeral Home that sent the ambulance, talked to the dispatcher, Dudley M. Hughes Jr., noted the ambulance call slip with the code '3-19' and the stamp of the time clock, 1:18. The ambulance was driven to the scene of the slaying by two men, Clayton Butler and Eddie Kinsley.

The failure of the Warren Commission to obtain the testimony of so important witnesses is inexcusable, unless, of course, one were to assume that the Commission was purposely kept in the dark about the Wrights, Hughes, Butler and Kinsley by the Dallas police.

Frank Wright's account of the Tippit slaying pulls the rug from under the feet of the Warren Commission:

'I've seen what came out on television and in the papers but I know that's not what happened. I know a man drove off in a grey car. Nothing in the world's going to change my opinion. I saw that man drive off in a grey coupe just as clear as I was born. I know what I saw. They can say all they want about a fellow running away, but I can't accept this because I saw a fellow get in a car and drive away.'

Oswald, of course, not only did not have a car, but he could not even drive, as the Warren Report confirms.

Now one can understand that the Warren Commission did not wish to question Mr. Wright, if by any chance they were informed of his existence by the Dallas police or the FBI!

In conclusion, a word about the seemingly haphazard way in which the Dallas police moved to incriminate Oswald for the Tippit murder. Apparently this was the result of an impromptu, *ad hoc* decision made by high-level officers while the policemen who were on Oswald's trail thought of him only as the President's assassin.

Significantly, the *Dallas Times-Herald*, in its second edition of November 22, 1963—the one with the bannerline 'PRESIDENT DEAD CONNALLY SHOT,' published at about 3:30 p.m.*—ran a story entitled 'JFK, Patrolman Killing Linked' (the first account of the Tippit slaying printed anywhere!) which began with these words:

'A police officer was fatally wounded in an incident in Oak Cliff which high-ranking officers said might be connected with the shooting of President Kennedy. . . . "There may be a tie-in," investigators said. "On a thing like this we have to check everything. We have a report the fellow who did the shooting of the policeman had a rifle in a car with him." This latter sentence indicates that the police had indeed been promptly informed of the car Frank Wright so staunchly maintains he saw at the murder scene. The dispatch then went on:

'Officers said a *white jacket*, believed to have been worn by the policeman's assailant, was recovered near the scene of the shooting. . . . We'll have to remember the colour of that jacket, too.

Let me also quote this item from the *Dallas Morning News* of November 23, 1963: 'Why was Patrolman Tippit shot about 1:15 p.m.? Police officials were *unsure* whether it was the all points bulletin describing the President's slayer that caused Tippit to stop Oswald. . . .'

So at first they were unsure. Shortly later, they were cocksure.

That is the tiny bud from which was to flower one of the biggest hoaxes in the history of newsfaking.

* Cf. *Oswald: Assassin or Fall Guy?*, Chapter 2.

The Omnipresence of Sergeant Jerry Hill

IN Chapter VI of the Warren Report, subhead 'Oswald's Escape,' one finds a fascinating item which has nowhere received the attention it deserves:

'The possibility that accomplices aided Oswald in connection with his escape was suggested by the testimony of Earlene Roberts, the housekeeper at the 1026 North Beckley rooming-house. She testified that at about 1 p.m. on November 22, after Oswald had returned to the roominghouse, a Dallas police car drove slowly by the front of the 1026 North Beckley premises and stopped momentarily; she said she heard its horn several times. Mrs. Roberts stated that the occupants of the car were not known to her even though she had worked for some policemen who would occasionally come by. She said the policeman she knew drove car No. 170 and that this was not the number on the police car that honked on November 22. She testified that she first thought the car she saw was No. 106 and then said it was No. 107. In an FBI interview she had stated that she looked out the front window and saw police car No. 207. Investigation has not produced any evidence that there was a police vehicle in the area of 1026 North Beckley at about 1 p.m. on November 22. Squad car 207 was at the Texas School Book Depository Building, as was car 106. Squad cars 170 and 107 were sold in April 1963 and their numbers were not reassigned until February 1964.

'Whatever may be the accuracy of Mrs. Roberts' recollection concerning the police car, it is apparent from Mrs. Roberts' further testimony that she did not see Oswald enter a car when he hurriedly left the house. She has stated that when she last saw Oswald, shortly after 1 p.m., he was standing at a bus stop in front of the house.'

Two observations are in order. In the first place, it is not a matter of paramount importance what number that mysterious police vehicle bore as it happened to pass by the house so conveniently just after Oswald had entered it. What matters is that Mrs. Roberts very definitely saw a police car. There is no mistaking the markings of a squad car. And her account is quite specific: the car 'drove slowly by,' it 'stopped momentarily,' and 'she heard its horn several times.'

In rebuttal of her precise testimony, given under oath, the Warren Commission uses its standard formula denoting intense embarrassment: 'investigation has not produced any evidence, etc.'

What kind of investigation? If they asked the police whether there had been any squad cars in that area, at that time, the answer of course would be 'no.' For the purpose of that car arriving on the heels of Oswald is obvious and, if admitted, would be bound to lead to embarrassing questions. If there was any other kind of investigation, the Commission should have said so. One fails to see, though, what other kind of investigation would have been possible under the circumstances.

It should be noted, also, that Mrs. Roberts' initial statement to the FBI (all FBI interviews preceded the Commission hearings) was quite firm and unequivocal: she had seen police car 207. Told that this could not be since 207 was at the TSBD, and probably harried by leading questions and veiled threats, as were all 'unco-operative' or embarrassing witnesses throughout the Kennedy murder 'investigation,' she began searching her memory about other possible numbers and got confused.

On the other hand, it is evident that the Commission made no attempt to get at the real meaning of this incident. Following its set purpose of viewing all happenings solely in the light of Oswald's guilt, and disregarding *a priori* the possibility of a conspiracy that would not implicate Oswald at all, or only in a minor role, the Commission dismisses the incident because Oswald did not enter the car. Hence the 'possibility that accomplices aided Oswald in connection with his escape' is ruled out and Mrs. Roberts' recollection is called in question. And that is that.

Actually, what really happened in the case should be evident to the simplest mind not obfuscated by official propaganda.

When Captain Fritz, at the TSBD, learned of Oswald's untimely escape—and, remember, Truly has testified that he told Fritz as early as 12:45 or 12:50, squad car 207 was hurriedly dispatched to the North Beckley roominghouse to find out if the fugitive by any chance had gone home (at the same time, presumably, another car was sent to Irving to check on the Paine residence). After Oswald had entered his room, 207 signalled to other police cars, or to plainclothesmen stationed in the area (hence the honking), to follow his trail and at the same time flashed back the good news to Captain Fritz, who must have heaved a real sigh of relief.

From that moment on, detectives kept on Oswald's trail and followed him as he walked probably down North Beckley or Zangs Boulevard and then turned into West Jefferson Boulevard.

Where was he going? I have said so before and I'll say it again: Oswald, in all probability, was headed for Fort Worth, where his mother and brother were living. He was walking along Jefferson Boulevard towards the bus stop when he took fright at the many police cars racing by with screaming sirens and ducked into the movie theater in search of darkness and quiet. As his every step was being followed after he had left his roominghouse, Captain Fritz probably knew about Oswald's presence in the Texas Theater even before Mrs. Postal put through her phone call to the local police precinct.

Why wasn't Oswald arrested immediately after he had been observed by the occupants of police car 207? Evidently because the police, at that moment, had nothing to hold him on. It would have been one thing to book Oswald on suspicion, pending further investigation, at the roll call of employees at the TSBD, as had been planned. It was something else again to arrest the peaceful citizen O. H. Lee (for Oswald was registered at the roominghouse under that name) without a shred of proof that he had anything to do with the assassination of the President.

It may have been during this interval that the death of Patrolman Tippit was irrevocably decided by those in control of the entire operation. True, the discovery of Oswald's whereabouts and the resulting certainty of his capture removed the threat inherent in Tippit's resemblance to the man Brennan had seen in the window, but it did not eliminate the blackmail menace.

Moreover, some crime was needed that could be pinned on Oswald quickly, to hold him while the evidence on the bigger charge – the presidential assassination – could be marshalled, and Tippit's murder would come in handy for that purpose. It would sound so logical and convincing that Oswald killed the policeman in order to escape arrest. And so a gunman working for the police was dispatched to stop Tippit, engage him in a conversation and then shoot him, while Oswald was on his way to the Fort Worth bus.

Significantly, the Warren Report says about Tippit's movements shortly before his death: 'At 12:45 p.m. the dispatcher ordered No. 78 (Tippit) to "move into central Oak Cliff area." At 12:54 p.m., Tippit reported that he was in the central Oak Cliff area at Lancaster and Eighth. The dispatcher ordered Tippit to be "... at large for any emergency that comes in." According to Chief Curry, Tippit was free to patrol the central Oak Cliff area.'

This last sentence clearly suggests that the central Oak Cliff area – where he was to meet his fate – was not Tippit's normal beat, though he was 'free' to patrol it. On this particular occasion he was directed into that specific area 'for any emergency that comes in.' What kind of emergency was expected in that peaceful residential district, miles removed from the scene of the assassination? Were not all these orders rather designed to bring Tippit and his designated killer together?

It is evidently impossible to imagine, much less to substantiate, everything that went on in those dramatic ninety minutes between the assassination and Oswald's arrest. However, from certain telltale facts ignored by or even suppressed by the Warren Commission, it is possible to deduce a pattern of events that has, above all, a vital element so totally lacking in the official story: plausibility.

We now come to one of the most interesting as well as one of the most obscure characters in the Kennedy-Oswald drama, a police sergeant named Gerald ('Jerry') Lynn Hill. He represents, as it were, a living bridge between the assassination scene and the spot where Oswald was caught, some four miles away.

To begin with, let me quote this revealing item from the front page story 'President Dead, Connally Shot,' which appeared in the *Dallas Times-Herald* on the afternoon of November 22 – the

first detailed account of the tragedy to appear in print anywhere:

'In front of an open window, Police Sgt. Jerry Hill said, three expended rifle shells were discovered. By the window were remnants of fried chicken. A wall of book boxes had been erected and three boxes in front of the window were believed to have been used by the sniper to steady his aim. . . .'

Sgt. Hill, then, originally was with the group of police officers who were investigating the assassination scene. More than that, he must have belonged to Captain Fritz's search party combing the sixth floor, since he was the one – or one of those – who told the reporters at the TSBD about the expended shells, the chicken remnants and the wall of boxes found near the window from which the shots had been fired. He must have been at the building until at least after the shells had been discovered at 1:12 p.m.

Yet, half an hour or so later, this same Sgt. Hill turns up at the Texas Theater, where he played a leading role in the capture of Oswald. Indeed, he appears to have been in command of this operation, for it was Hill who, according to the Warren Report, presented the prisoner to Captain Fritz and told the latter not to worry about Oswald any more, they had got him.

Here is how the Report describes this scene:

'Captain Fritz returned to police headquarters from the Texas School Book Depository at 2:15 after a brief stop at the sheriff's office. When he entered the homicide and robbery bureau office, he saw two detectives standing there with Sgt. Gerald L. Hill, who had driven from the theatre with Oswald. Hill testified that Fritz told the detective to get a search warrant, go to an address on Fifth Street in Irving, and pick up a man named Lee Oswald. When Hill asked why Oswald was wanted, Fritz replied, "Well, he was employed down at the Book Depository and he had not been present for a roll call of the employees." Hill said, "Captain, we will save you a trip . . . there he sits."'

This account not only sounds fictional, it is. It is flatly contradicted by the sworn statement made at Dallas, on April 3, 1964, to David W. Belin, a representative of the Warren Commission, by Detective C. W. Brown of the Homicide Bureau who had been charged by Captain Fritz, on November 22, to take a number of TSBD employees to police headquarters for question-

BROWN STAGM

ing. Among these employees was the above-mentioned foreman Bill Shelley, Oswald's immediate superior at the TSBD. When Shelley saw Oswald being brought in, he immediately identified him as one of his workers. Oswald then was left alone with his captors in the interrogation room, while all the others left the place. Outside, telephones were ringing. Detective Brown, taking one call, found that Captain Fritz was at the other end of the wire. He told his superior officer that a suspect had just been brought in, that his name was Lee Harvey Oswald and that he was employed at the TSBD, then heard the captain say he'd be right over, in a few minutes.

In answer to a repeated question from Mr. Belin, Detective Brown specifically declared that Captain Fritz was still at the Book Depository when this telephone conversation took place. He was calling from there.

The two versions—Sgt. Hill's and Detective Brown's—are irreconcilable. One or the other of these two policemen was lying under oath. Captain Fritz, for his part, when testifying before the Commission, added a third one which sounds so confused as to be practically unintelligible. According to Fritz, however, it was he himself who inquired at headquarters who had killed Officer Tippit and then he was told that it was Oswald, whereupon he said that was also the suspect he was looking for in the assassination of the President.

Of the three conflicting versions, the one given by Detective Brown manifestly has the merit of being true, or at least of coming closest to the truth. For it is corroborated by Shelley who, during questioning by a staff member of the Commission, Joseph A. Ball, on May 14, 1964, blurted out inadvertently (for that was not what Mr. Ball wanted to hear) that he saw Oswald again at police headquarters.

All this contradictory testimony, given under oath by ranking police officers, was prudently buried by the Warren Commission in the twenty-six volumes of transcripts published two months after the Report and which by their bulk and price are practically inaccessible to any but a few specialists. It wouldn't do to include such conflicts in the soporific Report and let the public know officially how Dallas police officers were caught lying under oath.

Nor did the Warren Commission find it necessary to probe

into the intriguing question why a member of Captain Fritz's immediate entourage, investigating at the scene of a presidential assassination, should be suddenly called off such top priority duty and shifted to a suburb to inquire into the slaying of a patrolman.

Yet the implication of this move is perfectly clear and should have provided food for earnest thought to the Commission: Hill was dispatched by Fritz to organize the pursuit of Oswald after the latter had been spotted at his roominghouse by patrol car 207. Then, as soon as Tippit had been disposed of, giving the pursuers an ostensibly valid pretext for arresting Oswald—who is supposed to have had in his possession, at the Texas Theater, the gun with which the patrolman was killed—they closed in on the cinema where Oswald had been holed up for at least twenty minutes before Hill or a superior officer present gave the signal to go in and nab him.

The Planted Gun

A MAN goes to a cinema, sits down peacefully and starts watching a film. Moments later, a small army of policemen ('at least 15 officers,' according to the Warren Report), commanded by a captain, invade the premises, falls upon the spectator, subdues and manacles him and drags him screaming from the theatre.

What for?

The Warren Commission, headed by the Chief Justice of the United States, failed to ask that simple yet imperative question. And since nobody in authority bothered to ask that question, nobody in authority has answered it to date.

'At 1:45 p.m., the police radio stated "Have information a suspect just went in the Texas Theater on West Jefferson," one reads in the Warren Report.

A 'suspect' is, by definition, a person suspected of having committed some crime. What crime was Oswald suspected of, and what reasons did the police have for thinking that he was guilty of it *at the time he was arrested*? What reasons, indeed, would they have been able to put forward had they bothered to get a warrant for his arrest?

Fortunately for the Dallas police, nobody ever asked those questions. A defense lawyer would have done so, at the trial of the 'suspect,' but there wasn't going to be any trial. There was going to be only an 'investigation' by a presidential Commission determined not to ask any risky questions that might lead the inquiry in the wrong direction.

From the start, the proceedings against Oswald were enveloped in a heavy aura of ambiguity, or even duplicity. Ostensibly, he was being seized and held on one charge, inferentially, however, on another.

Typically, the *Dallas Times Herald*, which carried the first printed information about Oswald's arrest in its final edition of

November 22, 1963, published at 4:15, handled the story in this manner: superimposed on the huge bannerline PRESIDENT DEAD - CONNALLY SHOT there was another one in smaller type: SUSPECT ARRESTED. The implication clearly was that the prisoner was a person suspected of having killed the President. Yet in the body of the lead story covering the whole front-page one reads:

'Lee Oswald, 24, a 30-day employee of the Texas School Book Depository, from whose building the assassin's bullet was believed fired, was arrested several minutes later, as a suspect in the fatal shooting of a policeman in Oak Cliff. . . .'

One need not be a newspaperman to understand that the paper would not have shaped its bannerline that way if it had not been suggested to its editors by the police - before the interrogation of Oswald had really gotten underway - that Oswald was suspected of being the President's assassin as well as slayer of a policeman. The ambiguity about his crime, then, was deliberate and inspired.

Subsequently, the official thesis was that Oswald had been apprehended solely on suspicion of having shot Officer Tippit and that the even more serious charge of having killed the President developed out of his interrogation and further investigation.

The Warren Commission, as usual, has backed up this fraudulent police maneuver. Says the Report: '. . . the arresting officers were pursuing Oswald for the murder of Tippit.'

How could they? What clue, what lead, what grounds for suspicion did the police have for thinking that this obscure man in a theater had something to do with the slaying of Officer Tippit about half an hour earlier and at a spot eight blocks away? What immediate link was there? Had anybody who had seen the Tippit slayer in action, or had observed him in flight, witnessed also his entry into the Texas Theater?

No. The Warren Report, in describing the location of the Texas Theater, notes explicitly that it is 'approximately eight blocks from the scene of the Tippit shooting and six blocks from where several witnesses last saw Oswald running west on Jefferson Boulevard.'

Oswald, according to the Report, simply vanished from sight, as though he had been swallowed up by the earth, after he had

reached a gasoline station at Jefferson and Crawford, about half a mile from the Texas Theater, where Mrs. Mary Brock, the wife of a mechanic, is supposed to have caught a fleeting glimpse of him before he disappeared. After that, no one saw him again, according to the official version, until he emerged, out of nowhere, in the immediate vicinity of the Texas Theater.

Those who observed him there, i.e. Mrs. Postal and a man named Johnny C. Brewer, manager of Hardy's Shoestore, a few doors east of the cinema, had no idea, of course, who the man was, nor had they been eyewitnesses to the Tippit slaying.

No witness, then, existed who could possibly have tipped off the police that the man wanted in the Tippit murder had just ducked into the Texas Theater.

The gun with which Tippit was shot?

It was, according to the official version, in Oswald's possession at the time he was captured and cannot, therefore, have led the police to him.

What else is there that could possibly have provided a tip-off to the police that Tippit's slayer was hiding in that theater? There is nothing.

Nor did they have any *ostensible* reason for suspecting that President Kennedy's assassin was in that cinema. According to the police version, the agents who seized that man in the Texas Theater didn't even know his identity. They didn't find out that it was Oswald until after they had gone through the papers he carried with him.

Then, on what grounds did they invade the cinema – and with such a force! – and arrest a man whose identity was not known, who was not wanted and who had done nothing criminal on entering the cinema or while he was there (we need not concern ourselves with the allegation – doubtful *per se* – that Oswald had bought no ticket for the show. Even if true, there was no need for fifteen policemen to correct such a peccadillo; the manager could have taken care of that)?

Since arrests, especially of so spectacular a nature, are not made, even in Texas, on the basis of nothing, it stands to reason that the official story of Oswald's capture is not true. Those fifteen police officers knew who they were after, and it was not the unidentified Tippit killer, whose presence in the cinema was not indicated by any clue or witness, but Oswald, the escaped

scapegoat, needed for the coverup in the assassination of Kennedy.

The fact that Oswald was arrested under false pretences (as the suspected Tippit-slayer, though there was as yet nothing to connect him with this crime) is also borne out by the testimony of Johnny Brewer, who declared under oath that while fists were flying, as Oswald was being subdued, he heard one of the officers say, '*Kill the President, will you.*'

This revealing disclosure, made in the Warren Report itself, naturally went against the Commission's grain, for it makes a perfect shambles out of the contention of the Dallas police that Oswald was arrested solely as a suspected cop-killer and thereby exposes them, for the umpteenth time, as brazen liars. And so, faithful to its established policy of guarding the official version against any doubt, the Commission dismisses the sworn statement of Brewer on this point with the remark, unsupported by any counter-evidence: 'It is unlikely that any of the police officers referred to Oswald as a suspect in the assassination.'

Why should it be unlikely? If that was the real purpose of their mission – and this is only one of several indications that it was – it is not unlikely at all that such an exclamation should have been blurted out in the heat of battle by one of the police officers present. Though one or two in this group almost certainly were implicated in the conspiracy, the great majority of them undoubtedly was not and some of those not in the game may have been really sore at Oswald, believing that he had actually killed the President.

There are also the early press accounts of Oswald's arrest – and I feel more strongly than ever that they represent the most reliable source of information on the subject, for later everything was twisted and doctored to fit the official version – which indicate that all those present were fully aware that the man those fifteen policemen had come to arrest was the suspected assassin of President Kennedy.

The *Dallas Morning News*, which had many reporters on the scene, described in no less than three different places the violent mood of the populace outside the Texas Theater, as Oswald was being brought out by his captors.

In an article headlined 'President's Murder Charged to Oswald,' the paper reported: 'Numerous youths ran from the show

ahead of the six officers who grappled with Oswald as they took him to a waiting squad car. One officer shoved his hat over Oswald's face. The young spectators were yelling "Kill the son of a bitch, kill the son of a bitch!"

In the lead story 'Kennedy Slain on Dallas Street' one reads on page 2: 'Seven policemen seized Oswald and hauled him out of the theater. A gathering crowd began yelling, "Kill him! Kill him!"'

A third account in the *News* of November 23, 1963, titled 'Suspect Captured in Movie Theater,' was even more specific:

"I protest this police brutality," cried President Kennedy's suspected assassin as police dragged him from the darkened Texas Theater in Oak Cliff Friday afternoon. A crowd of several hundred pressed forward chanting, "Kill the S.O.B.!" Had not officers moved quickly and with authority, 24-year-old Lee Harvey Oswald might have suffered a worse fate than the world leader he is suspected of killing.'

Nowhere in the United States would the seizure of an obscure cop-killer (doubly obscure, for Oswald and Tippit were equally unknown) arouse such violent passions. It is perfectly clear that word had spread outside the Texas Theater - and that information could have come only from the police - that they were going to get the President's assassin.

By the same token, the police pretension that Oswald was seized solely as the suspected Tippit slayer is exposed, beyond question, as a sham and a lie.

Not only was Oswald's arrest totally illegal by the authorities' own fraudulent version, because there were no conceivable grounds for suspicion against that anonymous, unidentified moviegoer, but the Texas Theater affair also gravely incriminates the Dallas police in the matter of the gun.

I have demonstrated conclusively, I believe, that Oswald was not, and cannot have been, the killer of Patrolman Tippit. If this is accepted, as it will be in due course by all but the most prejudiced or blindfold of people, the question forcefully arises: How did his gun get into the Texas Theater? Or rather, how did the revolver with which Tippit had been shot, half an hour earlier, find its way into Oswald's belt as he was captured there?

In Chapter 12 of *Oswald: Assassin or Fall Guy?* I had already put forward, in a tentative way, the supposition that the gun

that allegedly was found on Oswald, at the time of his capture, had in fact been planted on him by the arresting officers. Now, with the additional material brought to light by the Warren Report, I am more convinced than ever that this is exactly what happened. My reasons for this belief are:

One, the earlier contradictions of the official story of the manner in which the gun was wrested from Oswald have been further augmented and amplified by the Warren Report in such a way as to make the police version of this incident totally incredible.

And, Two, the additional details given by the Warren Report about Oswald's alleged escape from the scene of the Tippit slaying, his itinerary in reaching the cinema, and the role of Captain Westbrook all point in the direction of a deliberate frame-up.

At least four different accounts of how the revolver was taken from Oswald have been put out by the participants in that action. And the contradictions inherent in these varying stories are not only irreconcilable but downright ludicrous.

To begin with, here is how the *Dallas Morning News* - a paper on excellent terms with the local police - described the scene in its issue of November 23, 1963:

'Patrolman N. M. McDonald started up the lower floor aisle from the rear door. Only five persons were in the main part of the theater.

'Then McDonald spotted a man sitting on the third row from the back. McDonald said as he drew close, the man stood up and shouted:

"This is it."

'McDonald, when he ran to Oswald, was struck with a fist. Then Oswald made a grab for a gun. McDonald said he rammed his hand into the top of the man's trousers and grabbed the revolver.

'He said Oswald pulled the trigger, but apparently the officer's finger jammed the action and kept the gun from firing.

'Other officers came to McDonald's aid and Detective Bob K. Carroll got possession of the pistol. Detective Paul Bentley sprained an ankle during the fracas.'

Note how circumstantial this account is - the story evidently was obtained on the spot, or at police headquarters, from the officers directly involved, in particular Patrolman McDonald.

NO GROUND

And note the details: McDonald, as he runs up to Oswald, is struck with 'a' fist. Oswald makes a grab for 'a' gun. McDonald rams his hand into the top of Oswald's trousers and grabs the revolver there. Oswald still manages to pull the trigger (did he mean to shoot himself in the leg, the position of the pistol being as it is? — J.J.), but McDonald's finger jams the action.

The next day, readers throughout the nation were treated by the Associated Press to a bylined account by the same Patrolman McDonald of how he disarmed and subdued the homicidal maniac in the Texas Theater. In this story, Oswald's captor not only embellished upon, but completely changed, essential details of his earlier narration.

Now McDonald counts 'ten to fifteen' spectators in the place. Before tackling Oswald, who is pointed out to him by somebody in the front rows, McDonald 'talks' to two other spectators sitting in the center of the main floor. This done, he advances crouching towards his quarry, his revolver at the ready in one hand, in case there might be trouble. As the policeman approaches him, Oswald gets up, lifts his two hands up and says 'It's all over now.' Then, however, he hits McDonald in the face with one fist, while trying to grab his gun with the other hand. McDonald pounces on him, they struggle and fall into the seats. In the process, McDonald manages to get his hand on the butt of the pistol. But Oswald has his finger on the trigger. He pulls it, and McDonald hears the hammer snap. But the firing pin is bent and does not strike the cap. 'Perhaps that saved me,' the brave policeman coyly admits. He wrests the pistol from Oswald and hands it to Bob Carroll who has joined the fray. Oswald then is subdued and taken away.*

The main difference between this dramatic account and the far more subdued version he had given to the press the day before lies in the sharply increased danger to Patrolman McDonald himself.

In the next to last paragraph of its story 'Suspect Captured in Movie Theater,' the *Dallas Morning News* reported:

"'He knew what I was there for,'" said Officer McDonald. "He didn't give too much trouble."

* As I do not have the original AP story at hand, I am retranslating from the French-language version contained in Leo Sauvage's *L'Affaire Oswald*. — J. J.

From one day to the next, however, the little trouble the valiant McDonald had experienced in capturing Oswald took on an ominous colour, witness the AP story. Only a miracle — the miracle of the bent firing pin — saved McDonald's life, we now learn.

Before long, the danger to the doughty Dallas cop and his heroism in overwhelming the double murderer intent on taking still another life were going to get another mighty boost.

In his famous press conference of Sunday night, November 24, after Oswald had been silenced forever, which startled even the placid Warren Commission by its jumble of incongruities and absurdities, District Attorney Henry M. Wade gave this brand-new version of the incident:

'At the time an officer of the Dallas police spotted him and asked him to come out. He struck at the officer, *put the gun against his head* and snapped it, but . . . the bullet did not go off . . . we have the snapped bullet there. It was a misfire. . . .'

Reporters, already totally befuddled by the muddleheaded thinking and garbled syntax of Wade's preceding thirteen points, wondered if the D.A. meant to say that Oswald had put the revolver to his own head.

'Was that an attempted suicide, sir?' he was asked.

'*Against the officer's head*,' Wade replied sternly.

So now the revolver which McDonald, by his own first account, had grabbed while it was still 'in the top of the man's trousers' is pointed menacingly at the policeman's head!

Now for the slightly more sedate account composed by the Warren Commission on the basis of the testimony given by McDonald and fellow officers.

'McDonald first searched two men in the center of the main floor, about 10 rows from the front. He walked out of the row up the right center aisle. When he reached the row where the suspect was sitting, McDonald stopped abruptly and told the man to get on his feet. Oswald rose from his seat, bringing up both hands. As McDonald started to search Oswald's waist for a gun, he heard him say, "Well, it's all over now." Oswald then struck McDonald between the eyes with his left fist; with his right hand he drew a gun from his waist. McDonald struck back with his right hand and grabbed the gun with his left hand. They both fell into the seats. Three other officers, moving toward the

scuffle, grabbed Oswald from the front, rear and side. As McDonald fell into the seat with his left hand on the gun, he felt something graze across his hand and heard what sounded like the snap of the hammer. McDonald felt the pistol scratch his cheek as he wrenched it away from Oswald. Detective Bob K. Carroll, who was standing beside McDonald, seized the gun from him.

'The other officers who helped subdue Oswald corroborated McDonald in his testimony except that they did not hear Oswald say, "It's all over now." Deputy Sheriff Eddy R. Walthers recalled such a remark but he did not reach the scene of the struggle until Oswald had been knocked to the floor by McDonald and the others. Some of the officers saw Oswald strike McDonald with his fist. Most of them heard a click which they assumed to be a click of the hammer of the revolver. Testimony of a firearms expert before the Commission established that the hammer of the revolver never touched the shell in the chamber. Although the witnesses did not hear the sound of a misfire, they might have heard a snapping noise resulting from the police officer grabbing the cylinder of the revolver and pulling it away from Oswald while he was attempting to pull the trigger.'

As in other instances where it attempts to put a benign face on the blatant inventions of the Dallas police, the Commission, in this account, reached a high degree of implausibility.

A man who has just killed the President and a cop (to the police everywhere the latter action is *the* unforgivable crime) and now finds himself cornered by a large force, either acts like a desperado or like a coward. In the latter case, he raises his hands—and keeps them up. In the former, he fights it out the moment the enemy closes in. The story that Oswald first engaged in the classic act of surrender and then attacked the policeman—with other officers swarming all over the place—is simply ludicrous.

Even more ridiculous is the assertion that McDonald 'struck back with his right hand and grabbed the gun with his left hand,' when taken in conjunction with McDonald's own statement that he had advanced towards Oswald *gun in hand*. Unless this remarkable police officer is three-handed by nature, it is hard to see how he could have accomplished all these things at once.

The fact that the other officers close to the scene did not hear Oswald say, 'It's all over now,' and that only 'some' of them saw Oswald strike McDonald with his fist—although all their eyes must have been riveted on the object of the hunt—also suggest that the whole story is a fabric of lies.

And, what shall one make of the bizarre disclosure that McDonald first *searched two other spectators* in the cinema before he went at Oswald? As the transcript of McDonald's interrogation by Commission staff member Joseph Ball shows, the Patrolman actually ordered these two men, too, to get on their feet and then searched them. While McDonald, in his confused 'explanations' of this incident tries to give the impression that he was just performing his duty meticulously, the whole thing, apparently, was just a *feint*, designed to cloak the frame-up aspects of the case.

Something in McDonald's testimony must also have struck Senator John Sherman Cooper, a member of the Commission, as fishy, for he kept firing questions at the policeman which the latter answered hesitantly and evasively. In the course of this exchange it came out that Oswald, well aware of the disturbance, kept his eyes on McDonald as he searched the two other patrons, yet remained quietly in his seat. Thus he would have had plenty of time to draw his gun and try to shoot his way out, or to go down fighting, if he had had a gun.

This is the crux of the matter, In *Oswald: Assassin or Fall Guy*? I had described in detail the diminutive dimensions of his rented room and the total absence of any possible hiding places in it where he conceivably could have kept a revolver. I had also cited the emphatic disclaimer of such a possibility by his landlady, who kept a sharp eye on both her rooms and her lodgers. And I had concluded from these circumstances that Oswald had no gun in his possession when he left his room, nor could he have picked one up en route. The assertion by the Dallas police that he had gone home to get his gun is therefore unsupported by any verifiable fact. And their claim, made *a posteriori*, that they had found the holster in which Oswald kept his gun, while searching his room, is another falsehood. His landlady, who had watched the proceedings, told me that the detectives who had come to search Oswald's room, had carried away only some papers.

Because everything the Dallas police have said about Oswald's alleged encounter with Tippit, his alleged flight from the slaying scene, and the circumstances of his arrest is demonstrably false, there results, in conjunction with the other factors cited above, that Oswald had no gun on him when he was seized.

What is the alternative, then? It is, quite plainly, that the gun was *planted* on Oswald, at the theater, by the policemen who had come to arrest him.

This assumption explains every one of the seemingly puzzling or even inexplicable circumstances of the arrest. It explains, above all, the mystery of Patrolman McDonald's three hands.

When this police officer entered the cinema, he had a pistol in his right hand, as he himself has recounted in his signed AP story. But it was not his service revolver; it was Oswald's gun. Somehow and at some time before the tragedy of November 22, the plotters must have got hold of Oswald's revolver, complete with holster, just as they had obtained possession of the rifle that could also be traced to him.

And the gun McDonald was carrying for the purpose of forcing it into Oswald's hands as he seized him (in order to get the hunted man's fingerprints on it, I presume) was also the one with which Tippit had been slain.

There seems to be little doubt on that score. Experts testifying before the Warren Commission were unanimous in their opinion that the cartridge cases found near the scene of the Tippit shooting had been fired from that revolver.

At no time did the authorities claim that Oswald's fingerprints had been found on that gun. But if he had really had picked it up in his room, slipped it in his belt, carried it with him to East 10th Street, taken it out to shoot Tippit, ejected the empty cartridges, reloaded the gun, slipped it back into his trousers, and finally drawn it again as he faced Officer McDonald — all of which the Warren Report claims he did — then Oswald's fingerprints must have been on that weapon, unless of course he wore gloves. Yet none of the eyewitnesses who pretend to have seen Oswald shoot Tippit or to have watched him as he fled from the scene, saw him wearing gloves, nor did the police allege that he had gloves in his possession when he was caught.

One more proof, then, that the official version is untrue.

My theory that McDonald carried that gun into the theatre

as part of an elaborate frame-up is further substantiated by the incident of the gun that clicked but did not fire. The Warren Commission, understandably, has downgraded this episode, which it could not explain, but the early accounts of McDonald and District Attorney Wade were quite explicit in the matter.

We are supposed to believe that a gun that was in perfect working condition only a few minutes before, when four to five bullets fired from it killed Tippit, suddenly jammed or misfired when pointed 'at the officer's head,' as Wade had claimed. McDonald himself thought he had been saved from certain death because the firing pin was bent and did not strike the shell.

How did that firing pin get bent while Oswald, allegedly, made his way from the scene of the Tippit slaying to the Texas Theater? It does not make sense.

But it makes plenty of sense to assume that the police themselves rendered the weapon harmless before handing it to McDonald for his frame-up mission. Had the gun been in working condition, somebody might have got hurt in the scuffle and that was not wanted.

When and where did the gun with which Tippit had been killed get into the hands of the 'posse' that had been sent to arrest Oswald at the Texas Theater? There is a plausible answer to that question, too.

We know from the Warren Report that a Captain W. R. Westbrook, who suddenly pops into the story out of nowhere, was one of 'several officers' pursuing the trail of Tippit's slayer. The first, and indeed only mention of Captain Westbrook in the Report is made when we learn that he 'walked through the parking lot behind the service station and found a light-colored jacket lying under the rear of one of the cars.' The service station referred to is the one at the intersection of Jefferson Boulevard and Crawford Street where Mary Brock, the wife of a mechanic, allegedly caught a last glimpse of Oswald before he vanished from sight, as has been told before.

There is no need to go here into the story of the jacket; it looked suspicious even to the thoughtful *New York Times*, which otherwise had little fault to find with the Warren Report. Suffice it to say that while the ever co-operative Marina 'identified' it as her husband's, several other eyewitnesses, in the terms of the Report itself, 'vary in their identification of the

Wesbrook found the jacket

jacket.' Some thought the jacket worn by Oswald was darker than the one that was found, others thought it was lighter. If it was Oswald's jacket, and it was lying in the place where Captain Westbrook says he found it, that still would not prove that Oswald had thrown it there during his flight. It could just as well have been deposited there by someone else who had surreptitiously got hold of it, just as the plotters surreptitiously got hold of Oswald's rifle and pistol.

What really happened at that parking lot, I believe, is that the gunman who had killed Tippit had a secret rendezvous there with Captain Westbrook for the purpose of turning over to the latter the weapon that was to be used to incriminate Oswald. Probably he was the wearer of the jacket, too, and placed both these objects together under the rear of one of the cars parked there. And then Westbrook passed the gun on to McDonald who was to take it into the theater and force it into Oswald's hands.

That Captain Westbrook played a highly dubious role in the whole affair is apparent even from the scant attention the Warren Commission gave him. While the Report merely mentions his discovery of the jacket, the volumes of testimony subsequently published reveal that he was in overall command of the operation that led to the capture of Oswald at the Texas Theater.

Indeed, the transcript of his questioning by Commission staff member Joseph A. Ball shows not only that Captain Westbrook was the highest-ranking police officer present, but that he was in control of the operation. That control, however, he exercised most guardedly. For instance, Westbrook pretends that he gave orders to his men to take down names and addresses of all persons in the theater. This was a necessary, and indeed imperative, measure, for these eyewitnesses naturally would be called upon to testify at the trial of the suspect, and some of them might even serve the purposes of the defense. Yet, in answer to a direct question, Westbrook had to admit that he did not have any list of names and had never seen one. And one of the two patrons — out of about 15! — who were subsequently identified by the Commission, a man named John Gibson, stated explicitly, when questioned by Mr. Ball on this subject, that the police had not sought to obtain his name and address, nor had he seen any of them take down those of the other spectators.

One of two things, then: either Westbrook lied to the Commission when he claimed to have given orders that the names and addresses of eyewitnesses be recorded; or else he failed to make sure that his orders were obeyed, which, under the circumstances, would amount to a grave dereliction of duty. The total lack of publicity surrounding Captain Westbrook's name also may be significant. While a simple patrolman (McDonald) stood in the limelight and made nationwide headlines, the officer in charge of the operation kept in the background. Guess why?

Good!

The Pointless Grilling of Lee H. Oswald

THE President has been murdered. A prime suspect is in custody. He is being grilled relentlessly, day and night. A score of law enforcement officers swarm around him, trying to pry loose the secrets of his monstrous deed. He stubbornly refuses to confess. He shouts his innocence. They confront him with facts and incriminating clues. He argues and fights back. No lawyer is there to assist him. No notes are kept of his interrogation. No tape-recording is made of questions and answers. Only the walls heard what was said and done. Then the suspect is murdered, at police headquarters. The case is closed.

Where did this atrocity happen? In some far-off, semi-barbarous land, barely out of the Stone Age? In a country where stenography is an unknown art, where lawyers haven't been invented yet, where the use of recording machines is centuries away in the future?

No, it happened in the United States, in the middle of the 20th century. It happened at Dallas, Texas, on November 22-24, 1963.

Is it possible? Is it conceivable?

I refer those who refuse to believe what is indeed unbelievable to Appendix XI of the Warren Report. There it is, black on white, factually and drily stated by a Commission headed by the Chief Justice of the United States:

'As discussed in chapters IV and V, Lee Harvey Oswald was interrogated for a total of approximately 12 hours between 2:30 p.m. on Friday, November 22, 1963, and 11:15 a.m. on Sunday, November 24, 1963. *There were no stenographic or tape recordings of these interviews. . . .*

As Pulitzer-Prize Winner Sylvan Fox wrote in *The Unanswered Questions About President Kennedy's Assassination*:

'Perhaps the most shocking bit of information in the entire

report of the Warren Commission is the disclosure that no records exist of Oswald's interrogation by the police, the FBI and the Secret Service. Equally appalling is the Commission's apparently noncommittal acceptance of the absence of such records.'

I wholeheartedly agree. But the most appalling thing of them all, it seems to me, is the fact that Chief Justice Earl Warren, one of the world's most prominent jurists, meekly accepted an unheard-of travesty of justice which began with the deliberate omission, or the systematic destruction of the transcript of interrogation which normally forms the base of every fair trial. Again, I fully agree with Mr. Fox's comments:

'What police department in a civilized nation would be expected to operate this way? We cannot ascribe the absence of any record of the interrogation to mere carelessness. Police may be sloppy at times in routine cases, but they are unlikely to be this careless in the immensity of a case involving the murder of a President.'

What is the alternative, then, to an unimaginable height of negligence? Again, it is conspiracy and complicity. There was a regular conspiracy afoot between all of those so-called 'law-enforcement officers'—the Dallas police, the FBI, the Secret Service and others—to flout the law, to trample it under their heels. And the Warren Commission, having stumbled upon all this lawlessness—no one had ever suspected before that there had been suppression of evidence on such a massive scale—became in effect an accomplice after the fact when it failed to bring the wrath of heaven down on the perpetrators of this monstrous illegality.

Indications are that records of Oswald's interrogation did exist for a short time but that they were systematically destroyed after his death in order to prevent future investigators from ever learning the truth about what the accused really said and did during questioning.

In the words of Sylvan Fox: 'The Warren Report concedes that there are no stenographic records of these interrogations, nor are there any tape recordings, and it declares that Fritz "kept no notes." The Report does not say Fritz "made no notes" or "took no notes," it says he "kept no notes." (The report's wording suggests that Fritz disposed of his notes.)

kept no notes

'On checking further, we find that this appears to be what happened. Appended to the Report is a reproduction of a 13-page typewritten memorandum submitted to the Commission by Fritz. It contains considerable detail about questions Fritz asked, and answers Oswald gave. On the last page, in the last paragraph, Fritz says: "Inasmuch as this report was made from rough notes and memory, it is entirely possible that one of these questions could be in a separate interview from the one indicated in this report."

'In other words, Fritz did make notes but apparently disposed of them after composing his 13-page report for the Commission. The Warren Commission explains Fritz's actions by saying he "kept no notes." The Commission stolidly refuses to tell what what really happened – that Fritz took notes and then disposed of them.'

'This is a truly remarkable situation,' observes Mr. Fox. Which is, of course, a truly remarkable understatement of the case.

The eminent British historian, Prof. Hugh Trevor-Roper, was also appalled by this situation and wrote in his *Sunday Times* article of December 13, 1964, that the Commission's failure to answer certain questions about the Dallas investigation rendered 'the whole report suspect,' and this is, again, an understatement.

'After his arrest,' Prof. Trevor-Roper wrote, 'Oswald, we are told, was warned by Captain Fritz, chief of the homicide bureau of the Dallas police, that he was not compelled to make any statement, but that any statement which he made could be used in evidence against him. After that, Oswald was interrogated, altogether for twelve hours, by the FBI and police, mainly by Captain Fritz. And yet, we are told, Fritz "kept no notes and there were no stenographic or tape recordings." *This, I do not hesitate to say, cannot possibly be true.* How could any statement made by Oswald be used against him if his statements were unrecorded?

'Even in the most trivial cases such a record is automatically made – and this case was the assassination of the President of the United States. If no record was available to the Commission, there can be only one explanation. *The record was destroyed by the FBI or the police, and the Commission, with culpable indif-*

ference, has not troubled to ask why. In the introduction to its report the Commission expresses special gratitude to the Dallas police for its readiness to answer all questions. The reader can only marvel at the Commission's readiness to accept every answer – provided that it came from that source. . . .'

The various FBI and Secret Service reports appended to the Warren Report also contain so much detail that it is quite impossible to believe that they were – as the Report would have us believe – mere 'memoranda setting forth their (the investigators') recollections of the questioning of Oswald and his responses.'

The FBI, for one, takes notes and it also keeps records. But it also knows how to bury them – temporarily.

Going through the various police reports with a fine-tooth comb is a fascinating and rewarding occupation for one accustomed to read between the lines and not to take the word of authority for granted. The discrepancies and contradictions are legion, especially when the FBI reports are confronted with the one composed by Captain Fritz. Not all of them are overly important or truly significant. A good many of them, however, are.

Taking the five FBI reports in chronological order, which is apparent not only from their sequence in the Warren Report, but also from their dates and the handwritten number each of them bears, we have first one dated 11.23.63 and signed by Special Agents James P. Hosty, Jr., and James W. Bookhout (No. 90).

Next comes one also dated 11.23.63 and signed by Special Agent Manning C. Clements (No. 92). The following one is dated 11.25.63 and is signed by Agent James W. Bookhout (without Hosty); it bears the number 97. Again, the next report is dated 11.25.63 and signed by James W. Bookhout (No. 99). The last FBI report published in this context is also dated 11.25.63 and signed by Bookhout; it has the number 103.

The interviews reported in Nos. 90, 92 and 97 all took place on November 22, 1963, i.e. on the afternoon of Assassination Day. Reports 99 and 103 are based on interviews held on Saturday, November 23, 1963.

In their joint Report No. 90 – the first according to this chronology – Agents Hosty and Bookhout state: 'When the

Agents entered the interview room at 3:15 p.m., Captain Fritz [Chief of the Homicide Bureau of the Dallas Police Department - J. J.] had been previously interviewing LEE HARVEY OSWALD for an undetermined period of time.'

Actually the period of time during which Captain Fritz had been previously interviewing Oswald is determined exactly in Chapter IV and V of the Warren Report as having been forty-five minutes, for questioning began at 2:30 p.m.

If we turn now to the report filed with the Commission by Captain J. W. Fritz, which precedes the five FBI reports in Appendix XI, we read:

'Immediately after I reached my office (returning from the Texas School Book Depository at 2:15, the Warren Report informs us in Chapter IV) I asked the officers who had brought in a prisoner from the Tippit shooting who the man was who shot the officer. They told me his name was Lee Harvey Oswald, and I replied that *that was our suspect in the President's killing. . . .*

Let's nail this down, firmly. Captain Fritz told fellow police officers between the time of his arrival at police headquarters, i.e. 2:15 p.m. and the start of Oswald's interrogation at 2:30 p.m. that Lee H. Oswald was his suspect in the President's killing.

What made him think, at that early moment, that Oswald was likely to be the one who had shot the President? Fritz had just been informed that a man had been picked up in the Tippit slaying and that his name was Lee H. Oswald. He had not yet had any opportunity to talk to the prisoner or to go through his personal effects.

A rifle had been discovered at the Book Depository but there was as yet nothing to connect it with Oswald. Capt. Fritz had nothing to go on, therefore, except the fact that Oswald had been reported missing at the roll call, which information, according to Capt. Fritz, reached him after the rifle had been found, i.e. after 1:22 (cf. Chapter IV of the Warren Report). Evidently, this information could at best make Oswald a suspect; it could certainly not make him *the* suspect in the President's killing, as Fritz's statement implies. On this score, too, the inquisitive Nashes contributed an important disclosure:

'The Report gives the impression that Oswald was the only

Depository worker found to be absent after the assassination. But Bill Shelley, Oswald's foreman, and others who worked in the building told us that Charles Givens was missing from the sixth floor work crew. Shelley said he was sent outside in an unsuccessful attempt to locate Givens, and there was talk of sending out an "all-point-bulletin" on the missing man. This proved unnecessary because Givens heard he was being sought and made his way to police headquarters.'

However, it is not this hastily drawn, or preconceived, conclusion that matters in the present context. Rather what matters here is that there exists a flagrant incompatibility between two FBI reports, to which we shall come shortly, and that it suggests, in connection with Fritz's own affidavit before the Commission, that there was a collusion between Fritz and Hosty for the purpose of blaming the assassination on Oswald at a time when no evidence of any kind could be said to have existed.

For, Captain Fritz, after telling the police officer who had brought in Oswald from the Texas Theater and had accused him of the Tippit killing, that this man was also 'our suspect' in the presidential assassination, 'instructed the officers to bring this man into the office after talking to the officers for a few minutes in the presence of Officers R. M. Sims and E. L. Boyd of the Homicide Bureau and possibly some Secret Service men.'

Another point has to be firmly nailed down here, on the strength of the official record: when the grilling of Oswald got under way at police headquarters, only a number of Dallas police officers 'and possibly some Secret Service men' were present. No representatives of the FBI were as yet in attendance. Now let's quote from the testimony of Capt. Fritz again:

'Just as I had started questioning this man, I received a call from Gordon Shanklin, Agent in charge of the FBI office here in Dallas, who asked me to let him talk to Jim Bookhout, one of his agents. He told Mr. Bookhout that he would like for James P. Hosty to sit in on this interview as he knew about these people and had been investigating them before. I invited Mr. Bookhout and Mr. Hosty in to help with the interview.'

It is obvious from that paragraph that Mr. Shanklin had been immediately - i.e. some time after 1:22 p.m. - informed that Captain Fritz considered Oswald to be *the* suspect in the assassination of the president. Hosty was the agent in charge of the

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Oswald case and had been investigating 'these people' (Lee Harvey and Marina) for some time.

'After some questions about this man's full name,' Captain Fritz's testimony to the Commission continues, 'I asked him if he worked for the Texas School Book Depository, and he told me he did.'

The first FBI report (No. 90), signed jointly by Hosty and Bookhout, corroborates this testimony:

'Oswald admitted that he was present in the Texas School Book Depository on Nov. 22, 1963, where he has been employed since October 15, 1963.'

Again, a point of crucial significance to be nailed down firmly for future reference; both Fritz and the Hosty-Bookhout team alleged in their sworn testimony for the Commission that Oswald in the course of his first interrogation, which started at 2:30 p.m. and ended at 4:05 on Friday, November 22nd, had admitted that he worked for the Book Depository and had been present there at the time of the assassination.

Turning now the FBI report No. 92, I quote Special Agent Manning C. Clements textually as follows:

'When interview had been substantially completed and Oswald was asked as to his present employment, he stated he thought perhaps interview to obtain descriptive information was too prolonged—[Manning C. Clements, his report states at the beginning, had gone to interview Oswald merely for the purpose of obtaining "descriptive and biographical data"—J. J.], that he had *declined to be interviewed by any other officers previously*, and did not desire to be interviewed by this agent. He remarked "I know your tactics—there is a similar agency in Russia. You are using the soft touch and, of course, the procedure in Russia would be quite different."'

In the first place, then, it has to be noted that the assertion by Captain Fritz as well as by the FBI agents Hosty and Bookhout that Oswald had admitted right away that he worked in the Depository is flatly contradicted in this *subsequent*—all circumstances listed above indicated that it cannot have gone before—interview with Agent Clements. For Oswald had declined to be interviewed by any officers previously.

His remark to Clements that the latter was 'using the soft touch' suggests that a rougher form of interrogation had taken

place before. Indeed, Report No. 90 states: 'Both Agents (Hosty and Bookhout) identified themselves to OSWALD and advised him they were law enforcement officers and anything he said could be used against him. *Oswald at this time adopted a violent attitude toward the FBI and both Agents and made many uncomplimentary remarks about the FBI. . . .*' (Italics added—J. J.)

The fact, attested to by Hosty and Bookhout themselves, that Oswald at the mere sight of these two agents became enraged and started ranting at them hardly suggests that he was in a cooperative frame of mind (elsewhere the Warren Report discloses the reason for Oswald's open hostility toward Hosty: Lee Harvey knew this agent personally and also suspected him of putting undue pressure on Marina). He was far less antagonistic to Clements, even though he wasn't going to be fooled by the latter's 'soft touch.' Eventually, however, Oswald melted before the insistence of the gentle Clements, as we know by the latter's testimony:

'Oswald was advised questions were intended to obtain his complete physical description and background. *Upon repetition of the question as to his present employment, he furnished same without further discussion.*'

If Oswald first refused to answer the question about his present employment, then on second thoughts yielded to Clements' insistence and furnished this information (Texas School Book Depository), are we to believe that he readily admitted the same thing at a *preceding interrogation*?

One or the other of these FBI agents has clearly put a falsehood in the record which under the circumstances would represent perjury of a most serious nature.

Nor is that all. There are many more discrepancies, inconsistencies and outright incompatibilities in these official documents.

In Report No. 90, Agents Hosty and Bookhout declare:

'Oswald stated that he . . . ate his lunch on the first floor in the *lunchroom*, however, he went to the second floor . . . and obtained a bottle of Coca-Cola for his lunch. . . .' There is no lunchroom on the first floor; it is located on the second as Commission Exhibit Nos. 1061 and 1112 [? the last number is not legible in the Bantam edition—J. J.] clearly show.

Furthermore, Agents Hosty and Bookhout declare in Report No. 90:

'OSWALD stated he then went home by bus and changed his clothes and *went to a movie*. OSWALD admitted to *carrying a pistol with him to this movie* stating he did this because he felt like it, giving no other reason. . . .'

Now Captain Fritz's version: '. . . he told that he had a room on 1026 North Beckley, that he went over there and changed his trousers and got his pistol and went to the picture show. I asked him why he carried his pistol, and he remarked "You know how boys do when they have a gun, they just carry it".'

Both these statements are false on their face. For, in discussing the Tippit slaying, the Warren Report states in Chapter IV (subhead 'Description of Shooting'): 'About 100 feet past the intersection (10th Street and Patton) Tippit stopped a man *walking east* along the south side of Patton (see Commission Exhibit Nos. 1968). . . .'

Even if we accept the official version, for the sake of argument, that Oswald first went home, then killed Tippit and then made for the Texas Theater, where he was arrested, that fact that he was walking *east* when Tippit caught up with him cannot be reconciled with the assertion by both Captain Fritz and the FBI Agents that Oswald from the roominghouse 'went to the movie' and took his pistol along. At the most, he can have made the decision to go to the movie on the spur of the moment, after the Tippit slaying, when he changed the direction of his walk. The *intention* to go to the movie, alleged by the police, is incompatible with the Tippit encounter, as described in the Warren Report.

On the other hand, Fritz's allegation that Oswald admitted to carrying a pistol is flatly contradicted by this statement in the Warren Report: 'He (Oswald) admitted nothing that would damage him but discussed other matters quite freely.' And elsewhere the Report says: 'Oswald provided little information during his questioning.' Thus another brazen lie by Captain Fritz is proved.

In conclusion, a word about Agent Manning C. Clements, whose report on his interview with Oswald for descriptive and background purposes is so strikingly at variance with Hosty's and Bookhout's.

The Warren Report, in Chapter V, states in the section entitled 'Adequacy of Security Precautions':

'Concerned that there might be an attempt on Oswald's life, FBI Director J. Edgar Hoover sent a message to Chief Curry on Nov. 22, through Special Agent Manning C. Clements of the FBI's Dallas office, urging that Oswald be afforded the utmost security. Curry does not recall receiving the message.'

Unbelievably, the Warren Commission leaves this matter there and goes on to discuss the role of the press in the chaos surrounding the murder of Oswald. It is satisfied with Curry's bland assertion that he does not 'recall' receiving a message of the greatest importance and urgency.

In the absence of any further prodding by the Commission, what shall we make of this incident, then? Assume that Hoover told a lie when he told the Commission that he *did* send such a message to Curry (this had been previously reported in the press)? Assume that official communications from the FBI to a police authority investigating the murder of the President of the United States have a way of getting lost in transit? Or, that Curry is a bare-faced liar?

Clearly, a grand jury investigation is in order.

Loaded Lineups — Thwarted Rights

'THE Commission is satisfied that the lineups were conducted fairly,' one reads in Chapter IV of the Warren Report.

The Warren Commission's conception of fairness is peculiar, not to say perverse. Indeed, any unbiased observer examining the lineup procedure used by the Dallas police in the Oswald case is bound to conclude that it constituted the *ne plus ultra* in unfairness.

Purpose of the lineup is to test the correctness of visual observation by an eyewitness to a crime. He or she is confronted with an array of persons including beside the suspect any number of people who had nothing to do with the case (usually fellow-prisoners or detectives) and then asked to pick out the one he or she believes to have seen commit the crime. If the witness points to the wrong person, then evidently his or her testimony must be discarded. If the suspect is identified by the witness, he stands a good chance of conviction in court.

Lineups can be conducted fairly — or they can be as loaded as the most insidious question asked by a cunning shyster. Those to which Oswald was subjected by the Dallas police all fall in the latter category.

It should be evident that the smaller the number of people who are lined up alongside of the suspect, the greater is the risk to the latter of having the finger pointed at him.

On the other hand, the greater the discrepancy in physical characteristics, the more limited becomes the choice. If, to use an extreme example, the witness has observed a coloured man commit the crime and he is then confronted, at the lineup, with one Negro and three white men, he will obviously point at the Negro — unless, of course his recollection is clear enough and he has the courage to say that it was another Negro he had seen. (It does take courage, for the clearcut implication in such a refusal to identify would be that the police is trying to 'frame' an innocent Negro.)

If you want to make sure that your witness identifies the right guy — not necessarily the one who committed the offence, but the one you want to see convicted — all you have to do is to *lead* your witness inconspicuously to the designated victim. For instance, you surround your suspect with four detectives, all confident and smirking, and, automatically, the witness will point at the scared and surly-looking individual who did it, or *who is to be framed*.

Or, prior to the lineup, you discreetly pass around photos of your prime suspect; can the witness fail to identify the person he has seen on the photo?

The Dallas police used every one of these low tricks — and plenty of others as well — to make sure that witnesses who had either seen a completely different gunman (like Mrs. Markham), or who had only caught a fleeting glimpse of the killer (all those who observed him in flight) would make a positive identification of Oswald. The hysterical lynch atmosphere generated by the press, the radio and television proved a big help to them. There was practically no escape for any of the witnesses, real or imaginary, from the impact of publicity directed at the one and only suspect — Oswald.

Now for a close look at the lineup procedure.

'At 4:05 p.m.,' says the Report, 'he (Oswald) was taken to the basement assembly room for his first lineup. *While waiting outside the lineup room, Oswald was searched and five cartridges and other items were removed from his pockets.*'

If this item were true — I doubt it very much — it would be another of those breathtakingly novel disclosures which the Warren Report has a way of dropping here or there in the blandest of tones — and, of course, without explanation.

For, this would mean that Oswald was not immediately searched after he had been overpowered at the Texas Theater; nor while he was being taken to headquarters in the police car; nor even before he was ushered into the offices of Captain Fritz for his first interrogation at about 2:30 p.m.

Sylvan Fox expresses his astonishment at this unusual procedure in these terms: 'Suppose Oswald had been carrying another gun, or a knife, or a bottle of nitroglycerine, or a cyanide capsule? Carelessness again? Or were the police of Dallas hoping that Oswald would do something during those first desperate

hours after his arrest that would *give them an excuse for shooting him themselves?*

Without wanting in the least to discredit Mr. Fox's estimate of the criminal capabilities of the Dallas police, I believe that the explanation for this belated search of a dangerous prisoner suspected of being both a presidential assassin and a cop-killer is a different one.

No doubt Oswald had been searched before and his pockets had been emptied thoroughly. As a matter-of-fact, how did Sergeant Hill know that his prisoner's name was Oswald if he hadn't removed from his pockets identification papers before he presented him to Captain Fritz?

If those five cartridges were actually found in Oswald's pockets, then, I feel sure, the police had previously put them there. They had planted a gun on him in the movie, so why not plant a few cartridges on him at headquarters? If you are going to frame a guy, you might as well go the whole hog.

In any event, this belated discovery of ammunition in the pockets of a dangerous criminal, a prisoner for 2½ hours, should have prompted the Warren Commission to ask the police some pointed questions about the reason they hadn't noticed that arsenal before. After all, the only pockets available to Oswald for hiding things were those of his trousers, for he wore no jacket when he was captured (or so at least the police claim). And five cartridges aren't exactly a pin. They bulge. They would most likely even have dropped out of his pockets in the course of the scuffle at the movie. The Commission, as usual, asked no embarrassing questions, or, if they did, you vainly look for the answers in their Report.

Well, at this first lineup, at 4:05 p.m., on November 22, Oswald was confronted by only one witness—Mrs. Markham. There were only three other men with him. Two of them were 18-year-old boys and therefore *a priori* out of the picture. For, Mrs. Markham herself had estimated the gunman's age at 'about 30.' The third one was a 26-year-old Mexican. Now, even though Mexicans are considered members of the white race, so many of them are mixed bloods and dark-hued that a Texan, having distinctly seen a white man commit a crime, would not easily pick a Mexican out as the guilty one at an identification lineup. So Mrs. Markham really had no choice but to choose Oswald,

even though he did not even resemble the man she herself had described to the press and the police on the spot.

Theoretically, to be sure, she could have said: 'None of them is the right one. It was somebody else.' But that wouldn't have done at all in the case. For, the Dallas police needed a witness, right away, to connect Oswald with the Tippit murder, so he could be held on that charge while the 'evidence' linking him with the assassination was being cooked up. For a woman of Mrs. Markham's humble condition, it would have taken something akin to heroism to resist the harsh pressure—and the 'queenly' treatment from the police. She wasn't made of heroic fibre—and who would cast a stone on her for buckling up?

The Warren Commission, in discussing the first lineup, unwittingly brought to light another striking example of the utter unfairness of the procedure. For, in Appendix XII, one finds this amazing disclosure (not meant to be one, of course): 'When Oswald appeared in the lineup at which Mrs. Markham was present, *he was not wearing the jacket which he wore at the time of the shooting*, and Mrs. Markham has testified that her identification was based "mostly from his face."'

Why wasn't Oswald wearing the jacket he is supposed to have worn at the shooting? Hadn't that jacket been picked up by Capt. Westbrook, according to the official story? It was on hand, then. Why wasn't Oswald allowed—or compelled—to wear this most characteristic garment, which had been observed by most, if not all, of the eyewitnesses to the Tippit drama? And why didn't the Warren Commission sternly take the police to task for their failure to include this jacket in the lineup procedure, contrary to all normal rules?

Again the answer will be self-evident to anyone who has followed attentively what has been said about that jacket, indeed what the Warren Report itself reveals about it:

Because that jacket would have given the show away. Because it would have gone a long way towards proving Oswald's innocence in the Tippit murder. Because the colour wouldn't have fitted, and the fabric neither. Nor, most importantly, the size.

The Warren Report itself clearly betrays how embarrassed the Commission was by Oswald's jacket. Here is what the Report has to say on this subject:

'Approximately 15 minutes before the shooting of Tippit, Oswald was seen leaving his roominghouse. He was wearing a zipper jacket which he had not been wearing moments before when he had arrived home. When Oswald was arrested, he did not have a jacket.'

Let us stop here just to interpolate that this last statement is very much subject to caution. The Commission has nothing but the word of the Dallas police—a word a hundred times proved false in other respects—for its assertion that Oswald did not 'have' a jacket when he was arrested.

Why should he have wanted to discard it, even assuming that he really was the Tippit killer? Did the Commission ever inquire into that aspect of the matter? No, they didn't—they never bother with motive or plausibility.

The assumption, even according to the official story, is that Oswald got his jacket because he had to get out of town and it was likely to be a rather cool night. Why, then, should he have thrown it away, at that parking lot, a few minutes after he had gone home to get it?

Was there blood on it? There is no mention of blood anywhere in the Report.

What was his reason, then, for disposing of that precious garment, at the risk of spending a very uncomfortable night outside?

Was he afraid that some witness to the Tippit shooting might recognize him? Since he got away from the scene of the murder, the only way this could happen would be if he were captured. But, if such fear was on his mind, then why did he keep the gun—and the cartridges?

Throwing the jacket away and keeping the most telltale evidence of his crime just doesn't make sense. It is easy to see why the Commission carefully refrained from belabouring this point. They had enough on their hands they couldn't explain. Back to the Report:

'At 1:22 p.m. the Dallas police radio described the man wanted for the murder of Tippit as "a white male about thirty, five foot eight inches, black hair, slender, wearing a *white jacket*, *white shirt* and dark slacks." According to Patrolman Poe this description came from Mrs. Markham and Mrs. Barbara Jeanette Davis. Mrs. Markham told Poe that the man was a "white male,

about 25, about five feet eight, brown hair, medium," and wearing a "*white jacket*." Mrs. Davis gave Poe the same general description: a "white male in his early twenties, around five foot seven inches or eight inches, about 145 pounds." and wearing a *white jacket*.' (Italics added—J. J.)

Note that the descriptions given by the two women—according to this version—and the description by the police radio do not tally in important respects. Mrs. Markham gives the age (in this story—compare what she told the *Dallas Morning News* reporter, as quoted in Chapter 20) as twenty-five, Mrs. Davis speaks of the 'early twenties,' yet the police radio has it as 'about thirty.' According to Mrs. Markham, the gunman's hair was brown, Mrs. Davis says nothing on this point, and the police radio comes out with 'black hair.' Who's lying here?

However, we are concerned here solely with the jacket. Its colour, according to all concerned, was *white*, unqualified white. Now read on what the Report has to say about Oswald's jackets:

'Marina Oswald stated that her husband owned only two jackets, one *blue* and the other *gray*. The blue jacket was found in the Texas School Book Depository and was identified by Marina Oswald as her husband's. Marina Oswald also identified Commission Exhibit No. 162, the jacket found by Captain Westbrook, as her husband's second jacket.

'The eyewitnesses vary in their identification of the jacket. Mrs. Earlene Roberts, the housekeeper at Oswald's roominghouse and the last person known to have seen him before he reached 10th Street and Patton Avenue, said that she may have seen the gray zipper jacket but she was not certain. *It seemed to her that the jacket Oswald wore was darker than Commission Exhibit 162.* Ted Callaway, who saw the gunman moments after the shooting, testified that Commission Exhibit No. 162 looked like the jacket he was wearing but "*I thought it had a little more tan to it.*" Two other witnesses, Sam Guinyard and William Arthur Smith, testified that Commission Exhibit No. 162 was the jacket worn by the man they saw on November 22. *Mrs. Markham and Barbara Davis thought that the jacket worn by the slayer of Tippit was darker than the jacket found by Westbrook.* Scoggins thought it was lighter.' (Italics added—J. J.)

Let's try to unscramble this. We are told, then, that Oswald owned only two jackets, one blue and the other gray. On the

other hand we have seen, by the account of the Warren Report itself, that two of the eyewitnesses closest to the scene of the murder, Mrs. Markham and Mrs. Davis, had concordantly told Patrolman Poe that the killer wore a *white* jacket. And the police radio had sent out a wanted bulletin for a man wearing a *white* jacket.

Therefore, the sentence 'Mrs. Markham and Barbara Davis thought that the jacket worn by the slayer of Tippit was *darker* than the jacket found by Westbrook' is complete nonsense. How can white be darker than gray?

This may be a technical error, due to poor editing (there are many of them in the Report). Presumably the sentence was intended to read the other way around: 'Mrs. Markham and Barbara Davis thought that the jacket found by Westbrook was darker than the one worn by the slayer of Tippit.' That would at least make sense. By the same token, it would add greatly to the probability that the two jackets were not one and the same.

The most reliable witness in the case is unquestionably Mrs. Roberts. She was only a few feet away when Oswald went out the door of the roominghouse. In fact, she saw him zipping up his jacket, as he brushed by her. She got a good look at that jacket, then. And she, in the Commission's own words, thought that the jacket Oswald wore was 'darker than Commission Exhibit No. 162.'

The Exhibit piece, the Report tells us, is gray. If Oswald wore a darker jacket than gray and the killer wore a white one, then evidently the jacket Captain Westbrook *claims* to have found under a car is not identical with the gunman's. In other words, the Dallas police once more substituted a false piece of evidence. They disposed of the white jacket which the real slayer had worn when he reached the parking lot (and the safety of Captain Westbrook's protective cordon) and then substituted for it the gray one, or dark gray one Oswald was still wearing when he entered the cinema (or maybe he had taken it off and placed it next to him on a chair).

In the light of this colour difficulty, one can well understand that the Dallas police, contrary to elementary rules of fair lineup procedure, confronted the eyewitnesses of the Tippit drama with an Oswald deprived of his jacket.

More important still than the colour of the jacket that was

found on the parking lot may be the question of its *size*. A jacket worn by a 'short, stocky' man – Mrs. Clemmons' description, supported by the original one of Mrs. Markham – wouldn't have looked so good on the medium-sized, thin and wiry Oswald. That's why the police, unable to let Oswald wear his own, gray jacket, because of its telltale colour, preferred not to try to force him to wear the white one that belonged to the real killer. It just wouldn't have fitted. So both jackets dropped out of the picture and Oswald had to face the witnesses in shirt-sleeves.

Oswald, moreover, would probably have resisted such an attempt to disguise him as the gunman who had slain Tippit to the limit of his strength. He did not submit meekly to the dishonest identification procedure the Dallas police made him endure. The Warren Report cites a most eloquent testimony on that point. William Whaley, the taxicab driver who had driven Oswald part of the way home on Nov. 22, and was confronted with the latter at a lineup the following afternoon, told the Commission:

' . . . you could have picked him out without identifying him by just listening to him because he was bawling out the policemen, telling them it wasn't right to put him in line with these teenagers and all of that . . . He showed no respect for the policemen, he told them what he thought about them. They knew what they were doing and *they were trying to railroad him and he wanted his lawyer.*'

Thus Oswald, by his obstreperous conduct, quite unnecessarily drew attention to himself and thereby helped his enemies achieve their purpose. At a trial, however, his lawyer would certainly not have failed to point out to what extent the identification was vitiated by such incidents as Whaley described.

It is the more remarkable that the Commission's star of stars among eyewitnesses, Howard L. Brennan, did *not* identify Oswald as the man he had seen shoot at the presidential motorcade, when he was *first* confronted with him at a lineup. The Report says on this score:

'During the evening of November 22, Brennan identified Oswald as the person in the lineup who *bore the closest resemblance to the man in the window* but he said he was unable to make a positive identification. Prior to the lineup, Brennan had seen Oswald's picture on television and he told the Commission

that whether this affected his identification "is something I do not know." In an interview with FBI agents on December 17, 1963, Brennan stated that he was sure that the person firing the rifle was Oswald. In another interview with FBI agents on January 7, 1964, Brennan appeared to revert to his earlier inability to make a positive identification, but, in his testimony before the Commission. Brennan stated that his remarks of January 7 were intended by him merely as an accurate report of what he said on November 22.'

Try to make sense out of these weasel words. The only thing this paragraph clearly brings out is that Brennan on at least two occasions, at the lineup of November 22, 1963, and again at the FBI interview of January 7th, 1964, balked at making a positive identification of Oswald as the sniper at the window. His statement that Oswald, at the lineup, appeared to him as the person 'who bore the closest resemblance to the man in the window' means nothing at all considering that the others in the line were two teenagers (out of the question because of their age) and a Mexican (ruled out by his dark hue). Inevitably, therefore, Oswald had to be the one with the closest resemblance to the person Brennan had previously described as the assassin.

The Commission evidently was pained by Brennan's lack of whole-hearted cooperation with the police and asked him for explanations. These turned out to be almost comical in their strained inadequacy:

'Brennan told the Commission that he could have made a positive identification in the lineup on November 22 but did not do so because he felt that the assassination was "a Communist activity, and I felt like there hadn't been more than one eyewitness, and if it got to be a known fact that I was an eyewitness, my family or I, either one, might not be safe." . . .'

What a poor excuse, indeed. Brennan here is clearly just parroting some lines that have been prompted him by the police, the FBI or the Warren Commission itself in an endeavour to get a much needed 'positive identification' out of what never was one and never could be one. After all, who rules the city of Dallas, the Communists – or the police?

So the Dallas police, by hook and by crook (mostly the latter) had built a sham case against Oswald. A case so jerry-built, it was likely to fall asunder in any court, at the first good push a

lawyer might aim at it. The next problem, therefore, was to prevent the accused at all cost from getting within shouting distance of an attorney. The Dallas police managed this, too, through all kinds of shenanigans, and the Warren Commission, as usual, merely took note but did not bother to ask for explanations, let alone take exception to these flagrant exercises in illegality.

We have seen already that Oswald, at the lineup, loudly complained that the police were trying to railroad him and that he wanted his lawyer. He voiced similar complaints in his brief meetings with newsmen in the corridors of police headquarters. In particular, he cried out 'I want to talk to Mr. Abt in New York.' The police then issued a statement saying that Oswald had been permitted to telephone New York to try to reach John J. Abt, a lawyer who has handled left-wing cases. According to the police, Oswald was unable to reach Mr. Abt, but talked to the lawyer's wife. Abt promptly gave the lie to this story: neither Oswald himself nor anyone acting on his behalf had talked to Mr. Abt or to his wife. Another flagrant lie by the Dallas police was thus nailed.

In spite of Abt's formal denial, the Warren Report echoed the spurious police version: 'On Saturday Oswald attempted several times to reach John Abt, a New York lawyer, by telephone, but with no success. In the afternoon, he called Ruth Paine and asked her to try to reach Abt for him, but she too failed.' The Report doesn't explain why Oswald had 'no success' and Mrs. Paine 'too failed' in making telephone contact with a well-known lawyer in a matter of first-rate importance. Could it be that the calls were blocked?

The day before already, the Dallas authorities had neatly contrived to thwart Oswald's right to the legal assistance to which he was entitled under the Constitution. 'On Friday evening,' says the Report, 'representatives of the American Civil Liberties Union visited the police department to determine whether Oswald was being deprived of counsel [note the peculiar phrasing: the ACLU lawyers went to find out not if Oswald had access to counsel, but whether he was being *deprived* of one. They apparently took for granted that an attempt to deprive him would be made—J. J.J.]. They were assured by police officials and Justice of the Peace Johnston that Oswald

had been informed of his rights and was being allowed to seek a lawyer.'

This was a truly transparent manoeuvre to prevent the ACLU from coming to the aid of the penniless Oswald. It succeeded either because the lawyers who had gone to the police department failed to insist on talking to the prisoner himself, or else because they allowed themselves to be intimidated.

'Later in the afternoon (Saturday),' the Report further states, 'H. Louis Nichols, president of the Dallas Bar Association, visited Oswald in his cell and asked him whether he wanted the association to obtain a lawyer for him. Oswald declined the offer, stating a first preference for Abt and a second preference for a lawyer from the American Civil Liberties Union.'

This incident has been construed by the protagonists of the official version to prove that Oswald had only to blame himself for the fact that he went to his death without ever having seen a lawyer. Why, he was offered the aid of a lawyer and he didn't want one! The argument is specious and even preposterous, for it is a matter of course that a man charged with so grave a crime would not wantonly refuse legal assistance. Oswald just didn't want a lawyer supplied to him by the Dallas Bar Association which is, like every organization in that city, under the thumb of the political oligarchy that controls everything in Dallas and which bears the ultimate responsibility for President Kennedy's death. Oswald wanted a lawyer of his own choice and this lawful aspiration the Dallas police were determined to foil at all cost.

On this score, Professor Herbert L. Packer of Stanford University's Law School has written in *The Nation* of November 2, 1964:

'The commission goes to extraordinary lengths to avoid the conclusion that Oswald was effectively deprived of the assistance of counsel during the crucial hours of his interrogation both before and after being formally "arraigned" (or, with technical accuracy, advised of the charges against him) for the two murders. The commission suppresses no facts but it draws (or, perhaps, avoids not drawing) a conclusion quite at variance with the facts.

'The facts are: (1) on Friday representatives of the ACLU tried to see Oswald; (2) on Saturday he tried unsuccessfully to phone

John Abt in New York; (3) on Saturday afternoon he declined an offer of aid from the Dallas Bar Association, saying that he preferred Abt or, as a second choice, an ACLU lawyer. We do not know whether Oswald was ever told that ACLU representatives were prepared to supply him with counsel; it seems a fair assumption that if he had been apprised of this immediately available assistance and had declined to accept it, that fact would have been disclosed.

'*What emerges, then, is a clear case of deprivation by omission.* The Dallas police knew that Oswald wanted a lawyer and knew that one he was prepared to accept was immediately available. Instead of informing him of the availability of immediate aid from a source they knew he trusted, the police chose to play a game of blindman's buff. If Oswald had lived to be tried, the incriminatory false statements that he made during his interrogation would in all likelihood have been held inadmissible in evidence against him, under recent decisions of the other tribunal over which Earl Warren presides. One suspects that, unlike that other tribunal, the Warren Commission discouraged dissenting opinions and followed a rule of unanimity: nothing was expressed that did not command the assent of all its members. *And so the opportunity was lost to affirm standards of police practice that were disgracefully flouted in Dallas.*' (Italics mine — J. J.)

These strictures are the more remarkable because Prof. Packer otherwise finds little fault with the Warren Report and accepts its conclusions almost unreservedly.

Ruby, the Tool

In conclusion, a few words about Ruby. His role is too obvious, especially in the context of the foregoing, to warrant much elaboration or comment. Besides, I have already given the pertinent facts about Ruby's close association with the police in *Oswald: Assassin or Fall Guy?* The Warren Report, without denying that association, weakly attempts to convey the impression that it played no role in Ruby's murder of Oswald.

The Commission cannot explain how Ruby managed to slip into the police building in spite of 'tight security' measures; it cannot explain why Ruby, after the shooting of the President,

went to Parkland Memorial Hospital—except by discrediting the sworn testimony of a most reliable witness, Seth Kantor of Scripps-Howard newspapers, who saw him there; it does not even attempt to explain where Ruby, so broke the day before the assassination he couldn't pay an employee his full wages, got the \$3,000 from ^{which} he had in cash (\$2,000 on his person and \$1,000 in his car) when he set out to kill Oswald; and it did not come up with an even remotely plausible motive for that foul deed.

The true facts of the case are clear to see for anyone with an open mind: Ruby, because of his checkered past, his underworld associations and his shady business, was a tool in the hands of the Dallas police.

To the police, justifiably afraid that their lies and distortions, their trumped-up charges and fabricated evidence, indeed the whole pattern of frame-up, would come apart at the seams in the course of a fair trial, and would reveal the underlying fabric of conspiracy and official complicity, it was a vital necessity to make sure that there would be no trial. So Ruby, the tool, stopped justice short in her tracks, in approved gangster style. It was all part and parcel of one scheme.

PART III

The Case Against the FBI

(The Cover-up)

Closed Case in an Open File

'I CAN assure you, so far as the FBI is concerned, the case will be continued in an open classification for all time. I think this will be a matter of controversy for years to come, just like the Lincoln assassination.'

This is J. Edgar Hoover, director of the Federal Bureau of Investigation, testifying before the Warren Commission on May 14, 1964. The authenticity of this quote is not in doubt for it was Hoover himself who, in a surprise move that startled the Administration as much the members of the just disbanded Warren Commission, released the full text of his testimony (possibly with a few minor deletions) to the press on October 2, 1964. First published by *The Washington Star* that evening, the text of this remarkable document was reprinted more or less integrally, the next day, by virtually the entire American press.

Before we turn our attention to some of the other interesting disclosures made on this occasion by the omniscient and omnipotent FBI chief, let us dwell for a moment on the implications of the above-quoted paragraph.

To begin with, let's take a good look at the first sentence of that paragraph:

'I can assure you, so far as the FBI is concerned, the case will be continued in an open classification for all time.' Needless to spell out the exact nature of 'the case.' It is the Kennedy murder.

Why should that case be continued by the FBI in an open classification 'for all time?' Hadn't the Warren Commission been instituted for the specific purpose of settling the matter once and for all? And, hadn't its chairman, Chief Justice Earl Warren, made it perfectly clear already that its verdict was to be based on the work of the 'investigative agencies,' meaning the FBI, the Secret Service and the Dallas police, in that order of importance?

As he went before the Commission to testify, Hoover then

was well aware that the Commission's verdict, already known beforehand through countless 'leaks' to the press, would be exactly the same as his own, laid down in a report to the President half a year earlier: that Lee Harvey Oswald was the assassin of President John F. Kennedy and that he acted entirely alone.

Just what did Hoover, under the circumstances, intend to imply, or to hint, with that sibylline phrase about continuing the case in an open classification? Did he mean to suggest that the FBI maybe wasn't quite as sure of the soundness of its findings as it pretended to be? Or did he mean to convey, shall we say a veiled warning, to whom it might concern, that it wouldn't be smart to annoy the keeper of the nation's most explosive secrets too much?

For, J. Edgar Hoover was very much aroused, indeed he was furious, when he released his statement to *The Washington Star* without consulting President Johnson or anyone else in the matter. He felt very strongly about the Warren Report which had been released less than a week before.

Not that the FBI chief had any fault to find with the Commission's verdict on Oswald, since it was patterned wholly on his own conclusions. Instead, what had thrown him into a fit of blind rage was the fact that the Commission, in a feeble attempt to explain the inexplicable, had made the FBI and the Secret Service (along with the press) the whipping boys of its cover-up operation.

'The Commission has considered carefully the question whether the FBI, in view of all the information concerning Oswald in its files, should have alerted the Secret Service to Oswald's presence in Dallas prior to President Kennedy's visit,' the Report states. 'The Secret Service and the FBI differ as to whether Oswald fell within the category of "threats against the President" which should be referred to the Service.'

Then the Report goes on to cite the opinion of Robert I. Bouck, special agent in charge of the Protective Research Section, who 'pointed to a number of characteristics besides Oswald's defection the cumulative effect of which would have been to alert the Secret Service to potential danger.'

'I would think his continued association with the Russian Embassy after his return, his association with the Castro groups

would have been of concern to us,' Mr. Bouck stated, and he added: 'A knowledge that he had, I believe, been courtmartialed for illegal possession of a gun, of a hand gun in the Marines, that he had owned a weapon and did a good deal of hunting or use of it, perhaps in Russia, plus a number of items about his disposition and unreliability of character, I think all of those, if we had had them altogether, would have added up to pointing out a pretty bad individual, and I think that, together, had we known that he had a vantage point would have seemed somewhat serious to us, even though I must admit that none of these in themselves would be - would meet our specific criteria, none of them alone. But it is when you begin adding them up to some degree that you begin to get criteria that are meaningful.'

Then the Report goes on to say: 'Mr. Bouck pointed out, however, that he had no reason to believe that any one Federal agency had access to all this information, including the significant fact that Oswald was employed in a building which overlooked the motorcade route.'

This statement makes no sense, for the FBI did, in fact, have access to every bit of official information about Oswald, including all the particulars about his stay in Russia, his ostensible pro-Castro agitation and, most importantly, his place of work. I'll come back to this crucial point later to discuss the falsity of the official version of when the FBI first learned about Oswald's presence in the Texas School Book Depository (hereafter again abbreviated to TSBD). That the FBI was aware of the fact that Oswald worked at the TSBD, prior to the Kennedy visit to Dallas, is admitted in the Warren Report. And that is the point that really matters.]!

Because the FBI couldn't deny that it knew about Oswald's presence in the TSBD on the day of the parade, it tried a dodge that went down smoothly, as usual, with the Warren Commission, even though it was to become a boomerang of the first magnitude:

'Agent Hosty testified that he was fully aware of the pending Presidential visit to Dallas,' the Report states. 'He recalled that the special agent in charge of the Dallas office of the FBI, J. Gordon Shanklin, had discussed the President's visit on several occasions, including the regular biweekly conference on the morning of November 22. . . .'

Something else, however, something of utmost importance, Agent Hosty was not aware of: the exact itinerary of the presidential parade. The Warren Report states on this subject:

'Hosty testified that he did not know until the evening of Thursday, November 21, that there was to be a motorcade, however, and never realized that the motorcade would pass the Texas School Book Depository Building. He testified that he did not read the newspaper story describing the motorcade route in detail, since he was interested only in the fact that the motorcade was coming up Main Street, "where maybe I could watch it if I had a chance."'

Ponder this statement carefully and weigh the tremendous implications of it.

Here you have a prominent FBI man—on the second echelon of the Dallas bureau—and who, moreover, had just attended a briefing on the presidential visit. Yet this agent 'never realized that the motorcade would pass the TSBD; he only knew that the motorcade was 'coming up Main Street' and 'did not read the newspaper story describing the motorcade route in detail' (this story merely said that the motorcade would follow Main to Houston Street and then turn into Elm Street, without specifically mentioning the TSBD—J. J.). Indeed, Hosty 'did not know until the evening of Thursday, November 21' that there was to be a motorcade at all!

Yet Oswald is supposed to have been fully aware of all these points. At a time when the FBI agent whose particular job within the bureau it was to watch subversive elements—and Oswald knew only too well that Hosty was constantly trailing him!—was totally unaware of the mere project to hold a parade, Oswald is supposed to have already formulated in his mind the precise manner in which he was going to shoot the President from the TSBD. On this point the Warren Report is quite specific and, indeed, this conclusion is inescapable: Oswald cannot have laid his plans later than in the morning of Thursday, November 21.

Now, it is essential to keep in mind that Oswald, even after he had learned about the motorcade, could have decided to have a crack at it only after being quite sure that the parade would pass the TSBD. For, had it continued in a straight line on Main Street—as even Hosty thought as late as the morning of November 22,

after attending the 'regular biweekly conference' with bureau chief Shanklin, the main topic of which was the President's visit in town—the distance would have been too great from the TSBD sixth floor window even for a dare-devil try at assassination.

All this, then, completely vindicates my assertion that Oswald, even discarding all the other evidence in his favour, is exonerated by the fact that he could not have known about the precise itinerary of the motorcade in time to make preparations for the killing. Let me recall, in this respect, that *The New York Herald-Tribune* reported on November 29, 1963: 'The motorcade arrangements came so late in the planning that Texas Governor John B. Connally, Jr., who accompanied the President on the short plane trip from Fort Worth to Dallas, was not aware of it.'

Connally, top official in the State and Kennedy's companion not only on the plane trip from Fort Worth to Dallas but also in the fatal car itself, did not know exactly which route the motorcade was going to follow. And now we learn from the Warren Report that the FBI didn't know either. Yet Oswald had precise knowledge of every bit of this top secret information! Can you beat such heights of absurdity?

Let us revert now to FBI chief J. Edgar Hoover and his irrepressible anger at the Warren Report. The Commission, unable or unwilling to face the true facts of the situation, i.e. that the FBI wasn't watching Oswald (in the sense of referring him to the Secret Service as a potential threat) for the excellent reason that he was one of their own stool-pigeons—for details, see the following chapter—had to come up with some kind of explanation for what is supposed to have happened. And so it put the blame—oh, ever so gently—on the FBI and charged the whole thing off to inadequate security arrangements and lack of liaison with the Secret Service. The Report states on this subject:

'The Commission believes, however, that the FBI took an unduly restrictive view of its responsibilities in preventive intelligence work, prior to the assassination. The Commission appreciates the large volume of cases handled by the FBI (636,371 investigative matters during fiscal year 1963). There were no Secret Service criteria which specifically required the referral of Oswald's case to the Secret Service; nor was there any requirement to report the names of defectors. However, there

Connally
exonerated

was much material in the hands of the FBI about Oswald: the knowledge of his defection, his arrogance and hostility to the United States, his pro-Castro tendencies, his lies when interrogated by the FBI, his trip to Mexico where he was in contact with Soviet authorities, his presence in the School Book Depository job and its location along the route of the motorcade. All this does seem to amount to enough to have induced an alert agency, such as the FBI, possessed of this information to list Oswald as a potential threat to the safety of the President. This conclusion may be tinged with hindsight, but is stated primarily to direct the thought of those responsible for the future safety of our Presidents to the need for a more imaginative and less narrow interpretation of their responsibilities. . . .

This mild censure did not go down well at all with J. Edgar Hoover. The great man, who had long since erected himself as a living monument to effective police work and who enjoyed the world over a reputation unmatched even by the movie concept of a top 'G-man,' was not going to have his face slapped in public for lack of alertness and imagination and for narrow interpretation of his responsibilities. He almost literally exploded.

The explosion came in mid-November 1964 at a press conference in Washington where Hoover, normally a rather taciturn man, held forth for almost three hours, striking out at a wide variety of targets. He described the Negro leader Dr. Martin Luther King as 'the most notorious liar in this country,' lashed out at the 'bleeding hearts' on Federal benches, including the Supreme Court and even expressed dislike of 'the red-necked sheriffs in Mississippi.'

His sharpest barbs, however, were aimed at the Warren Commission. He called the Report 'a classic example of Monday morning quarterbacking' and protested aloud that its criticism of the FBI 'was unfair and unjust' — as indeed it was.

For, oddly enough, in this quarrel with the Warren Commission, it is Hoover who is right. Their criticism of Oswald's 'non-referral to the Secret Service' was eminently unfair and unjust. For, no one knew better than the FBI that Oswald's ostensible 'defection' to the Soviet Union was nothing but a convenient cover for an intelligence assignment (this matter will be discussed fully in the companion volume, *Marina Oswald*); that his profession of Marxist beliefs was a sham and a fraud stage-

managed by the CIA and the FBI together; that his alleged pro-Castro agitation was nothing but a low comedy show put on by an *agent provocateur* for the FBI; and that his trip to Mexico was just another CIA-assignment which he flopped.

Why should the FBI have referred Oswald to the Secret Service as a potential threat to the President when he was nothing but a police puppet manipulated by Hosty and others? For, in the classic words of that Dallas deputy sheriff who on January 1, 1964, was quoted by Lonnie Hudkins of the *Houston Post* as saying: 'You just wouldn't think to check out one of your own stoolies,' Oswald was rightly above suspicion because he was on a string.

Maybe — probably even — Hoover did tell the Warren Commission in the deep secret of those closed hearings, whose record does not even appear in the twenty-six volumes of testimony released two months after the Warren Report, what the truth was: that Oswald had been an informant for the FBI as well as an undercover agent for the CIA and therefore exempt from the usual criteria of suspicion. But the Warren Commission couldn't publicly acknowledge these facts, which would have thrown the whole official version of the assassination for a loop, and thus was faced with a tremendous dilemma: tell the truth, which was impossible under the circumstances; or gently place the blame for the inexplicable on the FBI and the Secret Service. The very apologetic tone of the Commission's remarks on this matter ('may be tinged with hindsight') suggests that they were well aware of doing the FBI an injustice in this particular respect. *dilemma*

In this context, an article 'What Does Warren Want of the FBI?' which the right-wing columnist William F. Buckley, Jr., published in the *New York Journal-American* of October 18, 1964, is worth quoting:

'I have news that is interesting, healthy, and infuriating. Three members of the Warren Commission apparently raged, behind closed doors, against the projected criticisms of the Federal Bureau of Investigation. But Earl Warren was adamant, and the criticisms were therefore registered. The official Commission report said that the FBI "took an unduly restrictive view of its role in preventive intelligence work prior to the assassination. A more carefully coordinated treatment of the Oswald

case by the FBI might well have resulted in bringing Oswald's activities to the attention of the Secret Service."

'The three gentlemen who were healthy enough to dissent were Representatives Gerald Ford and Hale Boggs, and Senator Russell. They made the point that it was unfair to criticize the FBI without suggesting what the agency could have done. . . . It is very well grandly to suggest that the FBI should pick up more suspects, or turn the names of those suspects over to the Secret Service to be picked up. Any implementation of such a program would, however, end up with the FBI defending its behaviour before — guess who? Earl Warren himself. . . .'

This article reflects the stand taken by Hoover himself before the Warren Commission, as the above-mentioned release of his (truncated) testimony by the FBI chief himself, early in October 1964, shows. For, in view of his inability to expose in public the true nature of Lee Harvey Oswald and his activities, Hoover sought to explain the fact that Oswald had not been referred to the Secret Service for preventive action by the FBI's concern with civil liberties. It was a strange pose for a man who throughout his long tenure as head of the Federal police (which the FBI is in fact, though not in name) has stepped a million times on civil liberties, but Hoover brought it off without batting an eyelash:

'Just how far are you going to go for his (the President's) protection and his security? I don't think you can get absolute security without almost establishing a police state, and we don't want that. . . . We don't want a Gestapo.' Noble words, indeed, which, coming from J. Edgar Hoover sound like the ring of a golden dime.

Hoover's intemperate remarks about the 'bleeding hearts' in the judiciary, about Martin Luther King and especially about the sacrosanct Warren Commission drew a tart response from the press. Never before in his long career had the FBI chief been criticized so openly or so severely by leading opinion-makers. Witness the editorial 'Time to Retire' which appeared in the *New York Times* of November 21, 1964:

'In his 40 years as director of the Federal Bureau of Investigation, J. Edgar Hoover has enjoyed almost universal praise from leaders of both parties in the White House and on Capitol Hill. He has built a Federal police force of exceptional competence,

kept its appointments free of politics and done much to introduce scientific standards in crime detection.

'In recognition of these accomplishments, President Johnson signed last May an Executive order waiving indefinitely the legal requirement that Mr. Hoover retire when he reaches his 70th birthday Jan. 1. The wisdom of this action has been brought sharply into question by recent indications that the adulation with which Mr. Hoover has been surrounded has made him resentful of criticism to an extent insupportable in any public official, particularly one in command of national law enforcement. . . .'

'Unquestionably, the strains put upon the FBI chief by controversy over the agency's role in the Kennedy assassination and in the handling of the civil rights cases in the South have been unsettling for one accustomed to nothing but praise. Under the circumstances, it would be wise to let the mandatory provisions of the Federal retirement law take effect on Mr. Hoover's 70th birthday.'

It might have been a wise move for a Kennedy. Indeed, it would probably have been a very wise thing for the late President to have put into effect the decision that was attributed to him in some sections of the press in 1962 to retire the FBI chief ahead of the mandatory age limit.

But Lyndon B. Johnson apparently did not judge that it would be a wise thing for him to do. And so Hoover stayed on in his job not only past his 70th but also past his 71st birthday, evidently intent on a life tenure. The question is only: whose life?

I'm sure President Johnson will think twice, or rather a dozen times, before taking the risk of provoking J. Edgar Hoover beyond the point of endurance which in his case appears to have worn pretty thin.

Who would want Hoover to take a second look at that certain closed case in his perennially open classification file?

Maybe another President would. And his name might even be Kennedy.

Oswald, Stoolpigeon

THE key to the Kennedy Murder Fraud lies in an understanding of Oswald's real character and activities.

He was a shifty, unscrupulous young man with a big ego. In that respect, the Warren Report is quite right: Oswald wanted to play a role, an important role, but not the way the Commission saw or pretended to see it.

He never was a genuine Communist. Indeed, he was until his end totally lacking in elementary knowledge of what marxism is, what Marxists believe in and how they behave. He posed as something he didn't even understand and that was his undoing. Throughout, he acted on orders and under false pretences.

That is the whole heart of the matter.

In *Oswald: Assassin or Fall Guy?* I had already set forth the compelling reasons for assuming that Oswald's 'defection' to Russia was a myth; his total inability to think and express himself in authentically Marxist terms; the manifestly spurious nature of his pro-Castro agitation; and the self-evident intelligence aspects of his trip to Mexico shortly before the assassination. In short, the clearly established fact that Oswald had been primarily an undercover agent for the Central Intelligence Agency; and, secondarily, a stoolpigeon for the FBI.

These disclosures naturally did not sit well with the Warren Commission whose real guiding spirit throughout was Mr. Allen W. Dulles, former director of the CIA and still a powerful figure in the so-called 'intelligence community.' Indeed, it was precisely for the purpose of hiding the evident intelligence aspects of the whole case under a convenient cloak of 'national security' that Mr. Dulles was appointed a member of the Commission by President Johnson.

In like manner, the interests of the FBI were safeguarded within the Commission by Representative Gerald Ford, a long-time associate and defender of the Federal Bureau of Investiga-

tion. Between them, Dulles and Ford did a respectable job of sweeping under the rug all the essential facts of the case.

It is a matter of record that the Commission studied my book very carefully and, in compiling the final version of its Report, paid special attention to the problem of covering up Oswald's undercover activities. A whole subsection of Chapter VI of the Report was devoted to this matter and entitled 'Oswald Was Not an Agent for the US Government.'

Referring to the fact that Oswald's manifold dealings with a large assortment of US Government agencies had 'given rise to numerous rumors and allegations that Oswald may have been a paid informant or some type of undercover agent for a federal agency, usually the FBI or the CIA,' the Commission counters by stating that it had 'fully explored whether Oswald had any official or unofficial relationship with any Federal agency. . . .'

The full extent of this full exploration is apparent from these two disarmingly simplest statements:

'Director John A. McCone . . . of the Central Intelligence Agency . . . stated unequivocally that Oswald was not an agent, employee or informant of the CIA. . . .'

'The Director of the FBI, J. Edgar Hoover . . . and FBI Agent James P. Hosty, Jr., who was in charge of his case at the time of the assassination . . . all declared, in substance, that Oswald was not an informant or agent of the FBI . . .'

On the basis of such highly authoritative testimony the Commission then concluded that 'there was absolutely no type of informant or undercover relationship between an agency of the US Government and Lee Harvey Oswald at any time.'

One can only smile at such a 'conclusion,' but its ready acceptance by public opinion, not only in the United States but throughout the Western world, is saddening. Either the extent of mass gullibility vastly exceeds all hitherto suspected proportions, or else there is a general inclination to condone even the worst crimes in the name of 'national security.'

It is of course an elementary rule of intelligence work, in all countries, not to admit the truth when one is caught, not on a high level of responsibility, anyway. This is so much recognized as standard practice that routine denials put out by the top officials in the game are never accepted at face value, in ordinary cases, by anyone with a minimum of experience in the matter.

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The Kennedy murder, however, is not an ordinary case and since the official version is wholly predicated on the allegation that Oswald was a Marxist and that he killed out of a sense of frustration, it would have been the elementary duty of the press to probe most searchingly into the background of this assumption. Yet this has been, from the beginning, the most thoroughly neglected aspect of the assassination controversy. It is one of the great taboos of the case. And that is precisely the reason why it must be exposed unsparingly.

We need not rely on the word of officialdom to determine whether or not Oswald was an undercover agent. There are patterns of intelligence work clearly recognizable even to the untrained eye and they show through the whole Oswald story.

The most important of these, his involvement with the CIA from the moment he enlisted in the Marine Corps at the age of 19 until he was murdered by a fellow CIA agent, Jack Ruby, will again be explored in considerable detail in the companion volume to this work.

Here, I propose to deal, less exhaustively, with Oswald's undercover work for the FBI. It consisted, basically, in setting up in New Orleans a completely phony, one-man chapter of the 'Fair Play for Cuba Committee,' which was not chartered by the genuine organization of that name and was not affiliated with it—a fact recognized even by the Warren Commission.

The purpose of this operation was twofold: one to trap actual or potential Castro-sympathizers in the area and bring them under the surveillance of the FBI; in this respect, Oswald was acting as a regular stoolpigeon and *agent provocateur* of an easily recognizable type such as has been employed by secret police organizations around the globe and throughout the ages.

And two, to lend credibility to Oswald's subsequent bid for a Cuban visa in Mexico: he did in fact wave his FBI-produced 'credentials' as head of a purely imaginary New Orleans branch of the FPCC under the nose of the Cuban consul general in Mexico and was sorely disappointed when the latter saw through this stratagem and sent him home.

The most revealing single item in the chain of circumstantial evidence that convicts Oswald as an FBI stoolpigeon and *agent provocateur* is his correspondence with the national

chairman of the FPCC in New York, Mr. Vincent Theodore Lee.

Note the impossible, self-betraying terminology: 'You may think the circular is too provocative, but I want it to attract attention, *even if it's the attention of the lunatic fringe.*' (Oswald's third letter to Mr. Lee.) Would a genuine Castro sympathizer say of himself that he is seeking to attract the 'lunatic fringe'?

On August 16, 1963, Oswald, in his own words, 'organized an FPCC demonstration of 3 people.' Imagine, three people. That's quite some backing.

In another letter, he prides himself on 'stirring things up' but has to concede in the same context, though in an earlier letter, that he had no public support but was acting alone.

Cuba stood absolutely nothing to gain from a change of administration in the United States. Premier Fidel Castro, in a speech broadcast on the night of November 23, 1963, pointed this out and also grasped instinctively the true nature of the assassination and Oswald's role in it:

'The death of President Kennedy could be beneficial only to those ultraconservative circles among which President Kennedy could not have been situated. The death of President Kennedy can only change the United States foreign policy from bad to worse.

'The information about Lee H. Oswald is a Machiavellian plan against Cuba. Oswald never had contacts with us—we have never heard of him. But in the dispatches he's always presented as a Castro Communist. This is all part of a defamatory campaign against the USSR and Cuba. This is a sinister trick.

'The first thing that appears to be a lie is that this man was a president of the Fair Play for Cuba Committee in New Orleans. We have searched through all our files and this man is not listed as president of any committee. Nowhere is there any mention of any Fair Play for Cuba Committee or New Orleans. . . . Oswald is an individual expressly fabricated to begin an anti-Communist campaign to liquidate the President because of his policy. . . .'

Coming at such an early date, this statement by Castro reveals a remarkable degree of perspicacity, for basically his view of what happened is entirely correct.

It is supremely ironic that the final proof of Oswald's having been an undercover agent for the CIA should have come—from FBI director J. Edgar Hoover; and that the final proof of his having been also an FBI stooge should have come from—Dallas police chief Jesse E. Curry.

The first (not in chronological order) of these two truly sensational disclosures—sensational because of their official sources—was made in the course of the already mentioned quarrel between Hoover and the Warren Commission. For the text of his testimony before the Commission, as released on his own authority October 2, 1964, shows that Hoover's reason for not referring Oswald to the Secret Service as a potential threat to the President was 'the report of the State Department that indicated this man was a *thoroughly safe risk*, he had changed his views, he was a loyal man now and had seen the light of day, so to speak. How intensive or how extensive that interview in Moscow was, I don't know. But, nevertheless, it was in a State Department document that was furnished to us. . . .'

So there you have it, in a nutshell. A former Marine who has 'defected' to Soviet Russia, who has loudly proclaimed his 'Marxist' views and has sought to renounce his US citizenship; indeed, a potential traitor (at least) who had told the American consul in Moscow that he was going to turn over to the Russians the ultrasensitive radar secrets he had learned in the Marine Corps; a double renegade who, having been repatriated on State Department funds, promptly launches himself into another subversive campaign on behalf of Castro's Cuba—this multiple security risk of the darkest red hue is recommended to the FBI, in an official State Department document, as 'a thoroughly safe risk'!

Could anyone express more clearly, in official lingo, that this man Oswald was in fact 'one of our boys,' an undercover agent in the service of our country?

That's the way Hoover understood it, anyhow, as the record shows, for Oswald, who normally was liable to arrest, prosecution, loss of his passport and stiff penalties, was handled with kid gloves instead, after his return. Sure, he was 'interviewed' a couple of times, by FBI agents, and Hoover, who at that time (May 14, 1964) was not yet warring on the Warren Commission, naturally gave the panel the official cover story ('We wanted to

know whether he had been recruited by the Soviet government as an intelligence agent'), but in reality those interviews most probably served to convey to Oswald his new instructions and funds.

Anyway, there is no getting around that devastating bombshell Hoover dropped when he revealed from the grandstand, after first having done so in the secrecy of the Warren Commission hearings, that Oswald had been recommended to his bureau as a 'thoroughly safe risk.' The whole story of the Kennedy Murder Fraud is exposed by those three words of J. Edgar Hoover.

At the Department of State, needless to say, top officials were appalled at Hoover's recklessness in posthumously blowing the cover of the late, unlamented CIA spy Lee H. Oswald. In a lamely worded reply, the Department immediately declared that 'a thorough search of its files disclosed no document that had made or implied any such finding on Oswald.'

As *The New York Times* remarked in this context, 'The release of the testimony of Mr. Hoover, together with the State Department's answering comment, was the first crack in the Government's unity and caution on the whole question of the assassination.' Which is quite a significant piece of comment.

Unfortunately, the great newspaper which prides itself upon publishing 'all the news that's fit to print' could not be swayed even by this massive display of official trickery into starting an independent investigation of its own of the Kennedy murder. Or is the truth, maybe, unfit to print?

As to the no less telltale revelation that Oswald had also been on the payroll of the FBI, it came about in piecemeal fashion through a whole series of leaks opened by the Dallas police.

First, Assistant District Attorney William Alexander of Dallas, top aide to the famous Henry Wade, confided to Lonnie Hudkins of the *Houston Post* that the home phone, office phone and car license number of FBI agent James P. Hosty, Jr., of the Dallas field office were found on Oswald's person when he was arrested and searched by the Dallas police. Hudkins published this truly startling piece of news on January 1, 1964, under the headline 'Oswald Rumored as Informant for US.'

In the same context, Hudkins quoted District Attorney Wade, himself a former FBI agent, as commenting on the previously

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cited remark of an unnamed deputy sheriff ('you just wouldn't think to check out one of your own stoolies') in these terms: 'It may be true, but I don't think it will ever be made public if it is.'

Not by J. Edgar Hoover, for sure.

The Warren Commission, which has known the full truth all along and which, from the start, has applied itself solely to suppressing it, was also well aware of Oswald's cosy relationship with the FBI. Witness this remarkable passage from *Portrait of the Assassin* by Gerald Ford, a member of the Warren Commission:

'No sooner had the Commission investigating President Kennedy's assassination assembled its staff and tentatively outlined methods of operation than it was plunged into an astounding problem. On Wednesday, January 22, the members of the Commission were hurriedly called into *emergency session* by the Chairman. Mr. J. Lee Rankin, newly appointed General Counsel for the Commission, had received a telephone call from Texas. The caller was Mr. Waggoner Carr, the Attorney General of Texas. The information was that the FBI had an "undercover agent" and that that agent was none other than Lee Harvey Oswald, the alleged assassin of President Kennedy. .

'Each had received an urgent message to come at 5:30 p.m. to the Commission's offices in the Veterans of Foreign Wars Building. . . . The session that followed lasted until after seven. I cannot recall attending a meeting more tense and hushed.'

And hushed was the outcome of that 'emergency meeting' held behind hermetically closed doors to find ways and means of burying that 'astounding problem' that had so suddenly cropped up to disturb the peace of the Coverup Commission.

To the unbiased observer, the situation must seem perfectly clear. The top-ranking legal officer of the State of Texas, where the murder was committed, calls up the presidential Commission investigating that murder to advise them he has inside information that the alleged assassin was in fact an undercover agent for the FBI. There is no two ways about it: here the Commission is really on the spot and no amount of weasel words or double talk can allay the seriousness of that disclosure or obscure its meaning.

Further confirmation of the intimate working relationship

between Oswald and the FBI was forthcoming soon and again the source was the Dallas police.

First, take the amazing incident which opposed Lieutenant Jack Revill of the Dallas police to FBI agent James P. Hosty. On this score, I wrote in *Oswald: Assassin or Fall Guy?*, Chapter 15:

'Lieutenant Revill of the Dallas police has told the Warren Commission that FBI agent Hosty had said on that tragic Friday: "We knew he (Oswald) was capable of assassinating the President."

'J. Edgar Hoover immediately issued a denial: "This is absolutely false. The agent made no such statement and the FBI did not have such knowledge." Unawed, Lieutenant Revill refused to back down and offered to go into court. As head of the criminal intelligence section of the police, he had, in line of duty, given a memorandum on Hosty to his Chief of Police, Curry, and that memo is now in the record.

'The Associated Press dispatch from which these facts are taken states: "*The Dallas Morning News* reported that Curry 'was said to have given the Commission a photostatic copy of Lt. Revill's five-paragraph memo.'"

'Of (FBI) Agent Hosty, Revill said: "He was excited, everyone was excited and *he probably said some things he shouldn't have*. My statement will stand. . . . If it boils down to a swearing match, *I had one of my men with me who can confirm what Hosty said*. They can believe me if they want to, or not if they don't—I'm on the record." (Italics added.)'

The Warren Report has confirmed this incident with nary a difference:

'Shortly after Oswald was apprehended and identified, Hosty's superior sent him to observe the interrogation of Oswald. Hosty parked his car in the basement of police headquarters and there met an acquaintance, Lt. Jack Revill of the Dallas police force. The two men disagree about the conversation which took place between them. They agree that Hosty told Revill that the FBI had known about Oswald and, in particular, of his presence in Dallas and his employment at the Texas School Book Depository Building. Revill testified that Hosty said also that the FBI had information that Oswald was "capable of committing this assassination." According to Revill, Hosty indicated that he was

going to tell this to Lieutenant Wells of the homicide and robbery bureau. Revill promptly made a memorandum of this conversation in which the quoted statement appears. His secretary testified that she prepared such a report for him that afternoon and Chief of Police Jesse E. Curry and District Attorney Henry M. Wade both testified that they saw it later that day.

'Hosty has unequivocally denied, first by affidavit and then in his testimony before the Commission, that he ever said that Oswald was capable of violence, or that he had any information suggesting this. The only witness to the conversation was Dallas Police Detective V. J. Brian, who was accompanying Revill. Brian did not hear Hosty make any statement concerning Oswald's capacity to be an assassin but he did not hear the entire conversation because of the commotion at police headquarters and because he was not within hearing distance at all times.'

That lets Brian off the hook, and indirectly Hosty, too, but it hardly invalidates Revill's sworn statement. The decisive fact is that he put such a statement in the record immediately after his conversation with Hosty and it must be obvious that he had no conceivable reason for doing so had he not effectively heard that remark by the FBI agent.

Now, Mr. Hosty

LT. REVILL didn't get his 'swearing match,' in other words a confrontation with Hosty in court. Faced with another extremely embarrassing and potentially explosive situation, the Warren Commission once more used its arbitrary powers to dismiss the issue out of hand.

I have no doubt that they knew what they were doing. They realized, as they did throughout the proceedings, that once you go to court on any aspect of the Kennedy murder complex, the lid is going to come off the whole thing. And that is the last thing anyone in control of the whole operation would want.

For the critics of the official version, this situation is terribly frustrating. No matter how you needle, or goad, or incriminate, or insult any of those chiefly responsible for the Kennedy Murder Fraud, they won't give you a chance to have the matter out in court. They dread court action worse than the plague. They have reason to. For, they know better than I do that under independent judicial review the whole fabric of fraud and false pretenses will come apart at the seams.

So the Warren Commission preferred not to probe into the interesting question whether maybe Agent James P. Hosty, Jr., of the FBI is a liar and a perjurer. I say that he is — and I am prepared to prove it from the record.

To begin with, let us review the course of events as the Warren Commission sees it, evidently on the basis of the sworn statement of Agent Hosty.

'The Commission also investigated the circumstances which led to the presence in Oswald's address book of the name of Agent Hosty together with his office address, telephone number, and licence number,' the Report says in Chapter VI, section 'Oswald Was Not an Agent of the US Government.'

The fact that Oswald, when arrested had on his person detailed information that would allow him to contact Agent Hosty

of the FBI quickly is conceded, then, just as Lonnie Hudkins of the *Houston Post* had reported on January 1, 1964, on the strength of disclosures made to him by Dallas Assistant District Attorney Alexander (cf. the preceding chapter).

Note, though, how evasive the Report again is. It mentions only Hosty's 'telephone number,' without specifying whether it means his office or his home number.

There would have been nothing suspicious, of course, had Oswald jotted down in his address book only the office address and telephone number which, as the Report points out, 'could have been obtained from many public sources.'

But the private phone number of an FBI agent is not usually listed in the Telephone Directory, nor is his car licence number made available to anyone for the asking. Here, then, a bit of finagling was again required to get around the telltale fact that Oswald also had entered Hosty's private phone number and his car license number into that little black book of his, which presumably held many other explosive secrets, never revealed.

The Report goes on: 'Hosty and Mrs. Paine testified that on November 1, 1963, Hosty left his name and phone number with Mrs. Paine so that she could advise Hosty when she learned where Oswald was living in Dallas. Mrs. Paine and Marina Oswald have testified that Mrs. Paine handed Oswald the slip of paper on which Hosty had written this information.'

To the obvious question, why Mrs. Paine should have done that, the Report provides no answer. The whole story manifestly is not true. Everything Mrs. Paine and Marina Oswald say is subject to caution, for both these women have exhibited a more than normal readiness to cooperate with the FBI, the CIA and the Secret Service, all of whom have a lot to answer for in the Kennedy Murder Fraud, along with the Dallas police.

If Hosty left his name and phone number with Mrs. Paine so that she could advise him when she learned where Oswald was living in Dallas, then this was evidently a confidential mission given by an agent of the FBI to a trusted informant in the course of his official duties. For Mrs. Paine to turn over these confidential items to the object of this investigation, thus warning him in effect that he was being watched by the FBI would have been a grave breach of trust, if not of the law.

The next sentence in the Report is even less believable:

'In accordance with prior instructions from Oswald, Marina Oswald noted Hosty's license number which she gave to her husband.'

The falsehood of this allegation is self-evident. The car registration number of an FBI agent is part of his secret official equipment. Are we to believe that Hosty left his car parked right outside Mrs. Paine's residence so that Marina could spy his licence number from a window? The mere suggestion of such a thing is ridiculous. It goes without saying that Hosty, on this occasion – if it really existed – would either have left his car parked some distance away, where it could not have been spotted, or else he would have arrived in a taxi or another unidentifiable car.

But – if Hosty had Oswald on his string as an informant and agent provocateur, as all other circumstances suggest, then the fact that his car licence number as well as his private phone number were in Oswald's possession would make a lot of sense indeed. Then there might have been occasions – for instance when Oswald was handing out provocative handbills praising Castro – where the mere sight of that comforting car number might have given the 'stoolie' a much-needed sense of protection amid hostile surroundings.

We note, then, *Lie No. 1*: The account given by Hosty to the Warren Commission of how his private phone number and car license number happened to get into Oswald's address book is certainly not true.

Let us turn now to the Warren Commission's detailed account (in Chapter VIII) of how the FBI kept a steady eye on Oswald from the moment he returned to the United States, without, however, bothering him in the least for his alleged defection, treason and hostile propaganda; and without referring him to the Secret Service for protective custody or close surveillance on the day of the President's visit to Dallas.

'Oswald was first interviewed by FBI Agents John W. Fain and B. Tom Carter on June 26, 1962, in Fort Worth. Agent Fain reported to headquarters that Oswald was impatient and arrogant, and unwilling to answer questions regarding his motive for going to the Soviet Union. . . .'

Let's stop here for a moment to ponder that statement.

Oswald has been home for a few days only. The FBI, the

Warren Report informs us elsewhere, had already 'opened a file on Oswald in October 1959 . . . for the purpose of correlating information inasmuch as he was considered a possible security risk in the event he returned to this country.' This event having come to pass Agents Fain and Carter are sent out for what looks like a genuine routine interview of a defector come home.

Why should Oswald have been 'unwilling to answer questions regarding his motive for going to the Soviet Union?'

If the official story of his journey to Russia were true, such reluctance would appear inexplicable. For, it is an established fact that Oswald, only a few days earlier, had started dictating to a Fort Worth public stenographer, Mrs. Pauline Bates, a somber account of his experiences in Russia so replete with attacks on the Soviet regime that *The New York Herald-Tribune* described it as 'an anti-Soviet book.' And even according to the State Department, Oswald, at that moment was a reformed defector, one who had 'learned his lesson' and 'seen the light.'

Wouldn't it have been natural, then, for Oswald to tell the visitors from the FBI frankly that he had gone to Russia because he once believed in communism but had been sorely disappointed and had therefore returned home?

Why didn't he do so? Again, because the official story is not true. And because he evidently could not explain to a couple of low-level 'Feds' what was really behind his trip to the Soviet Union: an espionage assignment from the CIA. Hence his unwillingness to discuss the matter.

'Agent Fain was not satisfied by this interview,' the Report goes on to relate, 'and arranged to see Oswald again on August 16, 1962. According to Fain's contemporaneous memorandum and his present recollection, while Oswald remained somewhat evasive at this interview, he was not antagonistic and seemed generally to be settling down. . . . Having concluded that Oswald was *not a security risk* or potentially dangerous or violent, Fain determined that nothing further remained to be done at that time and recommended that the case be placed in a closed status. . . .'

What had happened between June 26 and August 16, 1962, to make Oswald's mood change so much from one Fain interview to the next? Could it be that, during that time, FBI chief Hoover had received from the State Department the afore-discussed

amazing assurance that Oswald was really 'a thoroughly safe risk?' Too bad, Hoover didn't indicate in his testimony before the Warren Commission at what time exactly he had received that interesting communication from the State Department. Too bad, the Commission didn't ask him for this important detail.

Anyway, in the absence of authoritative information to the contrary, one may assume that by August 16, 1962, this top level assessment of Oswald's true personality had been passed on to the Texas level and that Oswald himself was aware of it at the time of his second interview with Mr. Fain. Reason enough for him to be less antagonistic and more relaxed. Reason enough for the FBI agent to 'determine' that Oswald was no security risk after all and that his case could be closed, for the time being.

After that, we learn from the Warren Report, 'the FBI continued to accumulate information regarding Oswald but engaged in no active investigation.' If that sentence read instead: 'continued to accumulate information *from* Oswald,' it would correspond more to reality, I'm sure.

In October 1962 Fain retired from the FBI and the dormant Oswald case was taken over by Hosty. Now, in the words of the Warren Report:

'In March 1963, while attempting to locate Marina Oswald, Agent Hosty was told by Mrs. M. F. Tobias, a former landlady of the Oswalds at 602 Elsbeth Street in Dallas, that other tenants had complained because Oswald was *drinking to excess* and beating his wife.'

Drinking to excess is, as anyone who ever indulged in that deplorable habit can testify, an extremely expensive business. Where did Oswald, a notorious pauper, get the money from to buy so much liquor?

In order to be able better to dismiss 'speculation' that Oswald, during that period, did a little snooping for the FBI on the side and was paid for it—regularly, though by no means generously—the Warren Commission has appended to its Report an 'Analysis of Lee Harvey Oswald's Finances from June 13, 1962, through November 22, 1963,' which purports to show that Oswald was able not only to support a family of three (eventually four) on his meager earnings as a labourer, but also to finance his 'Fair Play for Cuba' activities out of his own pocket;

subscribe to a variety of Communist publications, including Russian journals; buy a rifle and a revolver; and repay two big loans, one for \$200 which he had received from his brother Robert, and the \$435.71 State Department 'repatriation loan.'

Impressive as it may look on the surface, this 'Analysis' turns out, on closer inspection, to be a completely ludicrous exercise in fancy economics, tailoring household expenses below the subsistence level, making no allowance whatsoever for medical expenses over a two-year period, and most certainly leaving no room anywhere for the heavy cost of 'drinking to excess.'

The Oswalds moved into Mrs. Tobias's apartment in November 1962, the Warren Report shows. For that month, the 'Analysis' lists an 'estimated cost of food, clothing, and incidental expenses' of -50 dollars! Food, clothing, incidentals, plus the cost of 'drinking to excess' for fifty dollars a month - Mr. Warren, please!

While we are on the subject, I might mention that this peculiar document allows, for the month of June 1963, five dollars for a 'new alien registration card,' which can refer only to Marina, but does not list the ten-dollar fee every citizen has to pay for a new passport. Now, the Warren Report has confirmed that Oswald on June 24, 1963, applied for, and obtained within twenty-four hours, a new passport from the New Orleans field office of the State Department.

Are we to conclude, then, that Oswald, the notorious Communist, renegade, traitor and pro-Castro agitator not only got his new passport with the phenomenal speed of one-day service (which is hardly ever accorded to ordinary citizens), but on top of it all got it for free? And wouldn't that be corroborating evidence that the passport was given him for an official mission, namely another CIA assignment (to Cuba)?

If, on the other hand, Oswald did pay the regular fee, then the omission of those ten dollars from the June 1963 'estimate' affords additional proof of chiseling by the financial acrobats who concocted that 'Analysis.' Either way, it's further proof of official fakery.

Here is another telltale item from the Report:

'On August 9, 1963, Oswald was arrested and jailed by the New Orleans Police Department for disturbing the peace, in connection with a street fight which broke out when he was

accosted by anti-Castro Cubans while distributing leaflets on behalf of the Fair Play for Cuba Committee. *On the next day, he asked the New Orleans police to arrange for him to be interviewed by the FBI.'*

There it is, no mistake. Oswald, in trouble with the New Orleans police because of his ostensible agitation for Castro, asked of his own free will for the FBI to come in on his case.

Why? What for? What is the reason? - Does the Warren Commission ever ask those questions? Does it ever inquire, much less probe deeply, into the causes and motivations of all the strange happenings it lists in its Report?

The Report goes on: 'The police called the local FBI office and an agent, John L. Quigley, was sent to the police station. . . .

'Quigley testified:

"When I began asking him specific details with respect to his activities in the Fair Play for Cuba Committee in New Orleans, as to where meetings were held, who was involved, what occurred, he was reticent to furnish information, reluctant and actually, as far as I was concerned, was completely evasive on them."

Poor Quigley. He evidently didn't know what the game was. How could Oswald tell him where meetings were held, when there weren't any held, because there was no FPCC in New Orleans? How could Oswald tell him who was involved, when it was strictly a one-man show, involving nobody but the 'chairman' himself? What occurred? Nothing but a fancy show put on by Oswald. Could he tell the FBI man that?

However, now comes a paragraph which clearly shows that Oswald did tell Quigley something important after all (and that was of course the reason he wanted to see an FBI representative in the first place). The Report does not reveal directly what was actually said, but refers to it in a manner that really lets the cat out of the bag:

'In Quigley's judgment, Oswald "was probably making a self-serving statement in attempting to explain to me why he was distributing this literature, and for no other reason, and when I got to questioning him further then he felt that his purpose had been served and he wouldn't say anything further."

Now, isn't it perfectly obvious what that statement means, despite the devious way in which it is presented?

If Oswald had been a *bona fide* pro-Communist and Castro agitator, then he would either have admitted it under questioning (he could hardly deny it since he had been caught—and photographed—distributing those leaflets), or kept his mouth shut.

What kind of 'self-serving' statement could he have made in that case? How could he have 'attempted to explain why he was distributing this literature, *and for no other reason?*' And how could it be that 'his purpose had been served' once he got off his chest, before the FBI man, something we are not allowed to know, but can guess nevertheless?

Doesn't all that clearly bespeak the truth: that Oswald had wanted to see a representative of the FBI to explain to him that the whole thing was just a show put on with the approval of a superior authority (CIA or FBI at a higher level) for the purpose of building himself a pro-Castro image as the indispensable prerequisite of getting into that country on a CIA assignment?

Precisely because that is the fact of the matter, the Warren Report in the following paragraphs makes it appear that Oswald had 'lied' to Quigley, without ever specifying the nature of those 'lies' beyond little fibs like 'Prossa' (instead of 'Prussakova') being his wife's name, and living in Forth Worth, instead of Dallas. Thus the Commission neatly dodges, as usual, the heart of the matter: Why did Oswald distribute subversive literature in such a provocative manner? And why, after having been caught red-handed, was his first move to turn to the FBI for help (for, that he did ask for, and did get, help is evidenced by the fact that he was promptly released after paying a nominal fine).

The phony nature of Oswald's ostensible pro-Castro agitation also appears clearly from this paragraph of the Warren Report:

'On August 21, 1963, (FBI) Bureau headquarters instructed the New Orleans and Dallas field offices to conduct an additional investigation of Oswald in view of the activities which had led to his arrest. *FBI informants in the New Orleans area, familiar with pro-Castro or Communist Party activity there, advised the Bureau that Oswald was unknown in such circles.*'

Isn't the case perfectly clear, then?

Now we come to another big lie told to the Commission by Agent Hosty, a lie that can be proven by the record itself.

'On October 25 (1963),' the Report states, 'the New Orleans office of the FBI learned that in September Oswald had given a forwarding address of 1515 West Fifth Street, Irving, Tex. After receiving this information on October 29, Agent Hosty attempted to locate Oswald. On the same day Hosty interviewed neighbours on Fifth Street and learned that the address was that of Mrs. Ruth Paine. He conducted a limited background investigation of the Paines, intending to interview Mrs. Paine and ask her particularly about Oswald's whereabouts.

'Having determined that Mrs. Paine was a responsible and reliable citizen, Hosty interviewed her on November 1. The interview lasted about 20-25 minutes. In response to Hosty's inquiries, Mrs. Paine

'... [dots in the Report—J. J.] readily admitted that Mrs. Marina Oswald and Lee Oswald's two children were staying with her. She said that Lee Oswald was living somewhere in Dallas. She didn't know where. She said it was in the Oak Cliff area but she didn't have his address.

"I asked her if she knew where he worked. After a moment's hesitation, she told me that he worked at the Texas School Book Depository near the downtown area of Dallas. She didn't have the exact address, and it is my recollection that we went to the phone book and looked it up, found it to be 411 Elm Street."

'Mrs. Paine told Hosty also that Oswald was living alone in Dallas because she did not want him staying at her house, although she was willing to let Oswald visit his wife and children. According to Hosty, Mrs. Paine indicated that she thought she could find out where Oswald was living and would let him know. At this point in the interview, Hosty gave Mrs. Paine his name and office telephone number on a piece of paper. At the end of the interview, Marina Oswald came into the room. When he observed that she seemed "quite alarmed" about the visit, Hosty assured her, through Mrs. Paine as interpreter, that the FBI would not harm or harass her.

'On November 4, Hosty telephoned the Texas School Book Depository and learned that Oswald was working there and that he had given as his address Mrs. Paine's residence in Irving. Hosty took the necessary steps to have the Dallas office of the FBI, rather than the New Orleans office, reestablished as the office with principal responsibility. On November 5, Hosty was

travelling near Mrs. Paine's home and took the occasion to stop by to ask whether she had any further information. Mrs. Paine had nothing to add to what she had already told him, except that during a visit that past weekend, Oswald had said that he was a "Trotskyite Communist," and that she found this and similar statements illogical and somewhat amusing. On this occasion Hosty was at the Paine residence for only a few minutes.

'During neither interview did Hosty learn Oswald's address or telephone number in Dallas. Mrs. Paine testified that she learned Oswald's telephone number at the Beckley Street roominghouse in the middle of October shortly after Oswald rented the room on October 14. As discussed in chapter VI, she failed to report this to Agent Hosty because she thought the FBI was in possession of a great deal of information and certainly would find it very easy to learn where Oswald was living.'

Indeed. This latest item is one of those charmingly naïve passages that every now and then lends a real Mother Goose atmosphere to the ponderous Warren Report. Anyone with a minimum of discerning sense must realize that the foregoing paragraph is not, cannot possibly be true. Only the Warren Commission failed to notice it, or rather pretended to.

We have seen Hosty probing and prying, seeking to get as much as possible information out of Mrs. Paine who had plenty of it. He asks her for Oswald's address, and she replies that she doesn't have it. But she knows that it is somewhere 'in the Oak Cliff area' and so tells him. She even has—by her own admission—Oswald's telephone number, but—so we are told—Hosty never asks for it. And she does not volunteer to give it to him, in spite of her obvious readiness to cooperate with the FBI, because she thinks that they already are 'in possession of a great deal of information and certainly would find it very easy to learn where Oswald was living.' But, lo and behold! The FBI doesn't manage and so it comes about that on Assassination Day they still don't know where Oswald lives. Anybody want to buy that fairy-tale?

Moreover, the whole story Hosty has been telling the Warren Commission—under oath—is a demonstrable fabric of lies and distortions.

For, on December 7, 1963, the Associated Press had sent out

from Dallas a most revealing dispatch from which I now quote:

'The Federal Bureau of Investigation, some time after October 16, knew Lee Harvey Oswald worked in the building from which shots were fired that killed President John F. Kennedy, a housewife at near-by Irving said Friday.'

'Mrs. Ruth Paine told the Associated Press that she told two FBI agents that Oswald, accused assassin of the President, worked in the Texas School Book Depository. . . .

'Regarding the visit by the FBI to her Irving home, Mrs. Paine said they were visiting Oswald's Russian-born wife, Marina Oswald.

"I understand they visit all immigrants from behind the Iron Curtain and invite them to tell of any attempts at blackmail or other threats against relatives left behind in Europe," Mrs. Paine said.

'Mrs. Paine said the agents "did not seem particularly interested" in Oswald, although she at first assumed he was the purpose of their visit.

'Mrs. Paine said the agents visited Mrs. Oswald sometime after Oct. 6 and again sometime after Oct. 16. She said Oct. 6 was the date the Oswalds moved into her home.'

Compare the two accounts and note the irreconcilable contradictions between Hosty's testimony before the Warren Commission and the above-cited statements made, several months earlier, by Mrs. Paine to the Associated Press. Inasmuch as the accuracy of this dispatch was not questioned by anyone at the time, it must be allowed to stand as a faithful record of what the lady had said.

Mrs. Paine says the FBI agents came 'sometime after Oct. 6 and again sometime after Oct. 16.' The term 'sometime' is flexible of course and the first visit, therefore, could have taken place any day from October 7 through October 16—but not later. For, if the agents visited 'again' after October 16, then their preceding call evidently must have taken place before, or at the very latest, on that date.

Yet Hosty has testified that he did not even learn about Oswald's presence in Irving until October 29! And, according to him, he paid his first call on Mrs. Paine on November 1.

We nail down *Lie No. 2*, then: Hosty perjured himself when he told the Warren Commission that he had no knowledge of

Oswald being in the Dallas area until October 29 when, in fact he did have such knowledge at least two weeks earlier;

And *Lie No. 3*: Hosty again lied under oath when he put in the record that his first visit to Mrs. Paine occurred on November 1, when in fact he did call on her on or before October 16.

It should be noted also that, according to Mrs. Paine, the agents 'did not seem particularly interested' in Oswald, but professed a solicitous concern for Marina's protection against dire threats from behind the Iron Curtain. On both occasions, Mrs. Oswald was the object of the agents' visits, not her husband, or so the FBI men pretended at the time.

Yet, in his testimony before the Warren Commission, Hosty stated unmistakably that he was making inquiries about Oswald, not his wife. He hardly mentions Marina, except to say that 'at the end of the (first) interview' she chanced to come into the room. The second time, she is not mentioned at all, although Mrs. Paine in her talk with the Associated Press had stated expressly that the agents on that occasion, too, had 'visited Mrs. Oswald.'

We put into the record, then, *Lie No. 4*: Hosty lied either when he told Mrs. Paine his concern was with Marina, not with Lee Harvey, or else he perjured himself again on this count in his testimony before the Commission.

There is corroborating evidence to the effect that Hosty was lying when he told the Commission he didn't know until October 29 that Oswald had come back to the Dallas area. For, on December 8, 1963, the *Philadelphia Inquirer*, citing 'an informed law enforcement source' in Dallas, revealed that 'the Federal Bureau of Investigation tried to recruit Oswald as an undercover informant in Castro groups two months before Mr. Kennedy's death' and gave these details:

'The FBI attempt to recruit Oswald as an informant, an informed law enforcement source said, was made in September, just after he had moved to Dallas from New Orleans.

'Oswald's mother said an "agent named Hosty" came to the Irving house and *talked to the young man at length in his car.*

'An FBI agent named Joseph Hosty handles investigations of subversives for the Dallas field office.

'The source said he did not know if the FBI succeeded in hiring Oswald; and the federal agency would not discuss the matter.'

There is no need to speculate on the nature of the 'source' in this case. It was again the Dallas police, or the office of the Dallas District Attorney, which would be tantamount. They were already involved in a bitter quarrel with the FBI at that time. It all began when Chief Curry, in a television interview the day after the assassination, complained that the FBI had interviewed Oswald about a week earlier and had failed to inform the Dallas police of this fact.

It is most significant, too, that Oswald's mother at that early date was able to specify that 'an agent named Hosty' had called on her son at Mrs. Paine's home and had talked to him at length in his car. (No date was given in the paper, but apparently this was on the occasion of Hosty's first visit, 'sometime' between October 6 and 16.) There had been no mention of Hosty in the press before that time. How could Mrs. Marguerite Oswald know about his identity, if she hadn't been told by her son or by Marina? And if she knew—correctly—the name of the agent, then we have no reason to doubt her statement that he had talked to Lee Harvey in his car.

Chalk up, then, *Lie No. 5*: Hosty's denial of personal dealings with Oswald. They were underhanded, to be sure, but nevertheless very real and, if we are to believe Chief Curry's assertion that the FBI interviewed Oswald as late as one week before the assassination, they must have been quite frequent, too.

It all adds up to the same conclusion: Oswald was indeed an FBI 'stoolie,' even though the wording of that *Philadelphia Inquirer* dispatch ('attempt to recruit') may suggest that he was reluctant to give a repeat performance in Dallas of his previous FPCC antics in New Orleans. Such a contingency would also help to explain the deep-felt antagonism which from all indications developed between Hosty and Oswald.

Eloquent evidence of this hostility can be found in Appendix XI of the Warren Report. Captain Fritz of the Dallas Police Department states in his report to the Commission:

'Just as I had started questioning this man (Oswald), I received a call from Gordon Shanklin, Agent in charge of the FBI office here in Dallas, who asked me to let him talk to Jim Bookhout, one of his agents. He told Mr. Bookhout that he would like for James P. Hosty to sit in on this interview as he knew about these

people and had been investigating them before. I invited Mr. Bookhout and Mr. Hosty in to help with the interview. . . .

'This man became very upset and arrogant with Agent Hosty when he questioned him and accused him of *accosting* his wife two different times. When Agent Hosty attempted to talk to this man, he would hit his fist on the desk. I asked Oswald what he meant by *accosting* his wife when he was talking to Mr. Hosty. He said Mr. Hosty *mistreated* his wife two different times when he talked with her, practically *accosted* her . . .'

It is quite remarkable, indeed, that one police officer, reconstructing from memory, it should be remembered, what a prisoner is supposed to have said during interrogation, should use such terms as 'accosting' and 'mistreating' in reference to another police officer.

Hosty and Bookhout, in their report to their Bureau, File No. DL 89-43, previously quoted in Part I of this book, also acknowledge Oswald's *personal* antagonism, which would be entirely unintelligible if he had not had personal relations with them before. The report says:

' . . . Both Agents identified themselves to Oswald and advised him they were law enforcement officers and anything he said could be used against him. Oswald at this time adopted a violent attitude toward the FBI and both Agents and made many uncomplimentary remarks about the FBI. . . .'

Now one can understand, reading this, that these two agents, contrary to established FBI practice, contrary also to the most elementary rules of fair interrogation procedures, failed, on this particular occasion, to keep a stenographic or taped record of all questions and answers, as their duty would have required. Unless, of course, they did make such a record and then buried it, for future reference, in an FBI file that was not made accessible to the Commission (this, in fact, appears more likely).

I feel sure that if the public is ever allowed access to a textual transcript of Oswald's 'uncomplimentary remarks' about the FBI, the game will be up. For I have no doubt that Oswald's violent reaction when the two agents 'identified themselves to Oswald and advised him they were law enforcement officers' went something like this: 'As if I didn't know you two! Haven't I worked for you long enough? And haven't you been

bothering my wife often enough? We know each other all right.'

However, Oswald probably used more earthy and perhaps unprintable language in expressing his feelings, and who could blame him? For this was, indeed, a case of extreme provocation. At that moment, Oswald may well have realized in a flash that he was the victim of double-dealing policemen and that Hosty, for one, was one of the architects of his frame-up.

In the light of the foregoing, one will also understand better the true significance of that startling remark Hosty dropped, according to Lt. Revill's sworn testimony, as he crossed the latter at police headquarters, precisely on his way to this interrogating session: to the effect that the FBI had information that Oswald was 'capable of committing this assassination.'

It may be inferred from the circumstances that at that early moment, right after Oswald's capture, there was still a discussion going on at Dallas police headquarters as to whether this man was or was not the President's assassin. (It must be emphasized again in this context that the number of Dallas police officers who were actively involved in the conspiracy against Kennedy's life was certainly small and restricted to the top level. Even the large majority of high-ranking police officers were certainly unaware of what was going on. Lt. Revill for one was not in the game, it must be assumed.) But Hosty, whose entire conduct brands him as guilty, lost no opportunity to incriminate the preordained scapegoat, Oswald, and did so, too, during his brief encounter in the hall with Lt. Revill.

The Hosty-Bookhout report, purporting to record the essence of their part in interrogating Oswald, is as replete with lies as is Captain Fritz's production, if not more. For instance:

'Oswald admitted to having *received an award for marksmanship* while a member of the US Marine Corps.'

The Warren Report, in Chapter IV, devotes a long section to 'Oswald's Marine Training.' There is no mention anywhere of an 'award for marksmanship.' In one of the two tests, discussed in that section, Oswald, according to expert testimony, came out as a 'rather poor shot.'

Another example: 'Oswald . . . claims he ate his lunch on the first floor in the lunchroom. . . .'

There is no lunchroom on the first floor; it is on the second

floor of the TSBD, as the diagrams in the Warren Report show.

Two other conspicuous lies in that report I have already fully discussed in Part I, Chapter 10:

'Oswald admitted that he was present in the Texas School Book Depository on November 22, 1963, where he had been employed since October 15, 1963.' This is manifestly untrue, because Oswald, in a *subsequent* interview with FBI Agent Manning C. Clements, balked at giving his place of employment.

'Oswald stated he then went home by bus and changed his clothes and *went to a movie*.'

Oswald's alleged encounter with Tippit, as related by the Warren Report, has him *walking east* on 10th Street, away from the movie, which rules out his intention of going there.

'Oswald admitted to carrying a pistol with him to this movie. . . .'

This assertion is contradicted by the statement in the Warren Report: 'He (Oswald) admitted nothing that would damage him. . . .'

Why continue? We have pinpointed, so far, about a dozen demonstrable falsehoods Hosty has told the Commission under oath or has put into his report to them. That would be enough, in any independent court, for at least a five-year stretch in the penitentiary, on perjury charges alone.

Hosty did get some of what was coming to him, but only a minimal fraction of it.

On September 29, 1964, the *Dallas Times-Herald*, quoting 'unimpeachable sources,' reported in an exclusive article that the FBI had taken disciplinary action against two agents who had been in charge of the Oswald case before the assassination. The paper said one agent had been demoted at a loss of \$1,000 in annual pay and that the other, stationed in New Orleans, had been ordered transferred. He retired instead. The two agents were not named.

Two weeks later, the same paper, again quoting the same 'unimpeachable' sources, revealed that FBI Agent James P. Hosty, Jr., had been suspended for thirty days without pay and then transferred to Kansas City. The story said the disciplinary action was taken on orders from the office of FBI director Hoover.

Prior to the suspension, Hosty had served a ninety-day probation and received a letter of censure, *The Times-Herald* said, adding that these took place after the assassination, but *before* the Warren Report was issued. The newspaper indicated that its earlier report about the demotion of a Dallas agent concerned Hosty's immediate superior. In the New Orleans case, the reference apparently was to Quigley.

No reasons were given for this disciplinary action but since the order came from Hoover, who about that time started his campaign against the Warren Commission, it may be assumed that the agents were disciplined because they inadvertently revealed too much, rather than too little, of what had been going on. In Hosty's case, the punishment not only did not fit the crime, but it evidently was meted out altogether for the wrong reason.

The Strange Case of Kenneth O'Donnell

KENNETH O'DONNELL, President Kennedy's appointments secretary, is supposed to have been one of his most devoted and loyal assistants.

Maybe.

Yet his behaviour before, on the day of, and immediately after the assassination is profoundly disturbing.

I

To begin with, the Warren Report makes it perfectly clear that O'Donnell was the White House official responsible for the planning of the Texas trip, including security arrangements, or lack of such.

It states, 'At the White House, Kenneth O'Donnell, special assistant to the President, acted as coordinator for the trip.'

O'Donnell made three fateful decisions which, together, led to the killing of the President.

The first was to hold a motorcade through the downtown area of hostile Dallas. The Warren Report says on this score:

'According to O'Donnell, "we had a motorcade wherever we went," particularly in large cities where the purpose was to let the President be seen by as many people as possible. In his experience, "it would be automatic" for the Secret Service to arrange a route which would, within the time allotted, bring the President "through an area which exposes him to the greatest number of people."'

Not a route, though, which exposes him to the greatest possible danger. And this is precisely what happened at Dallas on November 22, 1963.

O'Donnell's statements that 'we had a motorcade wherever we went,' and that it would be 'automatic' for the Secret Service to arrange a route that would expose the President to the

greatest number of people, were accepted at face value not only by the Warren Commission and the general public, but even by the most severe critics of the official version.

They can no longer go unchallenged today. For, in the meantime, an altogether new and disturbing fact has come to light which makes everything that happened at Dallas appear sinister rather than accidental.

I am referring to the disclosure made on February 3, 1967, by the Miami Police Department that they had dissuaded President Kennedy, when he visited that city on November 18, 1963, from driving in a motorcade through the downtown area, because they had precise information not only that an attempt on the life of the President was planned but even about the manner in which it was to be carried out.

This matter will be fully discussed in the last chapter of the present book. The basic facts, however, must be set forth here because they have a direct bearing on Kenneth O'Donnell's behaviour and the three fateful decisions he made.

Since O'Donnell was in charge of planning the Texas trip and was acting, in fact, as the President's personal liaison officer with the Secret Service, he must have known that the latter had been warned by the Miami Police Department that a 'hard-core underground' fighter using the name of 'Brown' was planning to 'get' President Kennedy.

How? By bringing a high-powered rifle, in a disassembled state, into an office building along the parade route, to re-assemble it there and shoot.

Yes, sir. Those particulars, matching exactly the details of the actual slaying in Dallas, are contained in an official communication from the Miami Police Department to the Secret Service, made about two weeks before the assassination! And Kenneth O'Donnell must have known them.

In spite of this specific and official warning, in spite of the fact that the Miami Police four days before the fateful trip to Dallas barred a downtown motorcade because of imminent danger to the President, O'Donnell approved an open motorcade ride through a city known to be virulently anti-Kennedy (which Miami, of course, was not).

Secondly, it was O'Donnell who cast the deciding vote in favour of the Trade Mart as the most suitable luncheon site in

Dallas, rather than the Women's Building. William Manchester, in his book, tries to obscure this issue by suggesting that the choice of the Trade Mart was a 'political decision,' prompted by a desire to appease the petty vanity of Governor Connally.

Yet the Warren Report is quite specific on this point: 'Kenneth O'Donnell made the final decision to hold the luncheon at the Trade Mart.'

The Report also states that of three potential sites for the luncheon, the only one that 'presented security problems' was - The Trade Mart.

The importance of the choice made by Kenneth O'Donnell results from the fact that it determined the itinerary to be followed by the motorcade. Had the Women's Building been chosen, the parade route would have been entirely different and could not possibly have included that fatal detour in front of the Texas School Book Depository. 'Oswald' could never have gotten anywhere near the President if the Women's Building had been picked for the luncheon. The same goes for the Market Hall, which the Warren Report says was 'unavailable' on that day, without indicating why, in that case, it was considered a 'potential luncheon site' or why it was unavailable for the President of the United States.

In the third place, O'Donnell did not object to the choice of an itinerary which - quite unnecessarily - included that fatal detour into the shadow of the towering Book Depository - an 'ambush building chosen with care,' as *The New York Times* remarked the day after the assassination.

This is not the place to reopen the argument about the traffic pattern on Dealey Plaza at Dallas. This is the place to look at the matter solely from the viewpoint of security.

The stark, undeniable fact of the matter is that O'Donnell, working hand in hand with the Secret Police, selected an itinerary which, in the light of the precise warning from the Miami Police Department, should have been ruled out *a priori* because it reduced the speed of a motorcade to a crawl at the foot of an immense office building - that was not even inspected.

The facile excuse 'How could anyone have known that a sniper would hide in the Depository?' which has been freely used before, has become wholly inadmissible in the light of the warning from the Miami Police. Explanations are in order.

It is well established by now that President Kennedy had a clear-cut premonition that he was marked for assassination by implacable enemies. In the second instalment of her memoirs in *The Saturday Evening Post*, the President's private secretary, Mrs. Evelyn Lincoln, wrote that her husband, Harold (Abe), had fretted in advance about Kennedy's forthcoming trip to Texas.

'I even mentioned Abe's fear to the President,' Mrs. Lincoln wrote. 'He didn't seem alarmed; he merely said, "If they are going to get me, they will get me, even in church."'

The Warren Report, in Chapter II, states:

'On the morning of November 22, President Kennedy attended a breakfast at the hotel [in Fort Worth - J. J.] and afterward addressed a crowd at an open parking lot. The President liked outdoor appearances because more people could see and hear him. Before leaving the hotel, the President, Mrs. Kennedy, and Kenneth O'Donnell talked about the risks inherent in Presidential public appearances. According to O'Donnell the President commented that "if anybody really wanted to shoot the President of the United States, it was not a very difficult job - all one had to do was get into a high building someday with a telescopic rifle, and there was nothing anybody could do to defend against such an attempt." Upon concluding the conversation, the President prepared to depart for Dallas.'

The remark attributed to Kennedy by the Warren Report, 'according to O'Donnell,' is unlikely on the face of it. The statement suggesting that there was nothing anybody could do to defend the President of the United States against a sniper installed in a high building and taking aim from there with a telescopic rifle is not only wrong, it is downright ludicrous. Kennedy, a very intelligent, well-informed and experienced man is most unlikely ever to have said anything so stupid.

What is the Secret Service for if not to protect the President against such attempts? Why should the Chief Executive be defenceless against a lone sniper, or even a whole platoon of snipers installed in a high building and armed with telescopic rifles? All the Secret Service has to do to defend the President effectively against such an attempt is to guard all high buildings (especially those of distinctly menacing aspect, like the TSBD)

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along a parade route. This is an elementary, basic precaution specifically required by Secret Service regulations, as the former Chief of that organization U. E. Baughman has pointed out in in several newspaper interviews after the assassination.

If the job is too big for the Secret Service itself, and the local police don't have enough men either to guard all such buildings, Baughman told Scripps-Howard reporter Seth Kantor (*New York World Telegram and Sun*, December 11, 1963), 'building managers have to be instructed, in no uncertain terms, to bar unauthorized movements in key buildings during Presidential motorcades.'

This was true 'in all buildings along Pennsylvania Avenue during Presidential inaugural parades and in buildings along out-of-town motorcade routes,' during Baughman's years from 1927 to 1961 with the Secret Service, the paper went on to quote the former Chief.

Why wasn't it true at Dallas, on November 22, 1963?

Kennedy had as much experience in the field as any other president. Despite his forebodings of disaster, he was, by nature, enough of an optimist to have faith in the ability of his bodyguards to protect him. As long as Mrs. Kennedy, who was present during this conversation, does not explicitly confirm her husband's remark, as quoted by O'Donnell, the suspicion is warranted that the latter made it up.

While Mrs. Kennedy so far has not publicly taken a stand in the matter—apparently the Warren Commission did not ask her, nor did anybody else—it must be pointed out that the version given by William Manchester of that same conversation in the same place is totally at variance with the above-quoted remark. And Manchester, of course, got most of his inside information from Mrs. Kennedy herself.

According to Manchester, Kennedy that morning at the Fort Worth hotel told his wife: 'You know, last night would have been a hell of a night to assassinate a President.' And then he went on to explain what he meant:

'I mean it. There was the rain and the night and we were all getting jostled. Suppose a man had a pistol in his briefcase.'

Then, according to Manchester, Kennedy demonstrated with vivid gestures how he imagined an assassination scene. He pointed a finger at the wall and simulated pulling a trigger.

'Then he could have dropped the gun and the briefcase and melted away in the crowd.'

That kind of assassination attempt, incidentally, would make sense in the case of a lone assassin—as Oswald is supposed to have been—trying to get away with Presidential murder.

Suppose President Kennedy made both remarks about possible assassination attempts: the one involving a bystander who suddenly pulls a pistol from a dispatch case and the one, attributed to him by O'Donnell, about the sniper firing a telescopic rifle from a high window.

If he so vividly gestured in one case, obviously for the purpose of impressing his wife with his alertness to danger, is it not logical to assume that he would have done so in the other case, too? How one could dramatically illustrate the vision of a desperado firing a high-powered rifle from a high perch at a Presidential parade far down below in the street! And Kennedy, with his evident talent for acting, would have missed that opportunity, talking drily about being defenceless against that sniper in the window?

Again, if Kennedy did make the remark attributed to him by O'Donnell, would it not have been the imperative duty of the latter immediately to impart to the President the information received from the Miami Police Department? For what Kennedy imagined (according to O'Donnell) as a possible and even overwhelming danger, since he is supposed to have said there was no defence, was precisely the form of attempt on his life that had been forewarned in an official memo from the Miami Police Department to the Secret Service. And O'Donnell didn't even mention it to his boss! Why not?

3

Kennedy is dead. The time is a few minutes after 1 p.m. Oswald has not yet been arrested; he has not even become a suspect yet (not ostensibly anyway).

What is the most urgent demand of the hour?

Is it not to organize an intensive, nation-wide search for the assassin, or assassins?

That, of course, is the first task incumbent on the man who has just become Acting President—Lyndon B. Johnson. But he has other things on his mind (see *The Death of a President* by

W. Manchester). He is too busy becoming President in his own right to worry about the killers who took the life of his predecessor.

But, that's neither here nor there. We are not dealing with Johnson—yet. We are concerned here with the inexplicable behaviour of Kenneth O'Donnell.

Even in the absence of Presidential action, it is to be presumed that the Dallas Police, the Secret Service and the FBI have launched a concerted hunt for the killer, or killers.

The moment any one of them is captured, he must be brought to justice. There will be a spectacular trial, with the District Attorney presenting the evidence and counsel for the defence (presumably) disputing it.

In any murder trial, the most important evidence is supplied by the victim. His wounds speak like mouths. His body reveals the nature of the weapon used in the killing, the number of bullets (or other blows) that struck the victim, *the direction from which they came*, the exact cause of death.

This evidence must be secured, on the spot, by court-controlled officials. That's why, in every civilized country, murder is followed immediately by an autopsy performed by a coroner under conditions safeguarding an honest and impartial inquest.

The law, in every civilized country, is strict in this regard. Interference with the duties of a coroner is a serious offence. The use of force to prevent a coroner from practising an autopsy on a murder victim within his jurisdiction is, everywhere, considered a felony. If it is compounded by contempt of court, such action represents a very grave crime.

It is in the light of these basic, elementary, axiomatic rules of law that the wholly illegal abduction of President Kennedy's body from the jurisdiction of the Dallas authorities must be viewed. And the man primarily responsible for this outrage is, by his own testimony, Kenneth O'Donnell.

First, here is what the Warren Report has to say about the matter:

'After the President was pronounced dead, O'Donnell tried to persuade Mrs. Kennedy to leave the area, but she refused. She said that she intended to stay with her husband. A casket was obtained and the President's body was prepared for removal.

'Before the body could be taken from the hospital, two Dallas

officials informed members of the President's staff that the body could not be removed from the city until an autopsy was performed. Despite the protests of these officials, the casket was wheeled out of the hospital, placed in an ambulance, and transported to the airport shortly after 2 p.m. . . . Concerned that the local officials might try to prevent the plane's departure, O'Donnell asked that the pilot take off immediately. He was informed that takeoff would be delayed until Vice President Johnson was sworn in.'

How incomplete, lame and insipid this account of one of the most dramatic episodes in Dallas is, anybody who has read Manchester's vivid description of this incident can judge for himself. It did injustice even to O'Donnell's own testimony before the Commission about which *Time*, in its issue of December 4, 1964, gave the following details:

'One of Kennedy's most devoted aides, Kenny O'Donnell, who had arranged the Dallas trip to straighten out "a party problem in Texas" was riding in the car behind the President when he heard Oswald's shot. "I saw the third shot hit. It was such a perfect shot—I remember I blessed myself. I was rather convinced that it was a fatal blow."

'Outside the emergency room, O'Donnell talked with Jackie. "I tried to in some way imply that she might leave and come with us, at least to get her out of that room. She was covered with blood. Her response to me was that she would not leave her husband's body. I realized that she was going to stay with her husband, no matter what anybody did, and there was no possible way of getting her to leave." O'Donnell ordered a casket, then tried to take Jackie out so she would not see it. "But she knew what was going on," said O'Donnell. "She came out and said, 'No, I want to watch it all.' And she stood in the doorway. And then they took it in, and put the body in the casket."

THE LAW MUST BE MET

'At that point came a harrowing incident. "The casket was brought out about halfway," said O'Donnell, "and a gentleman arrived who said that we would not be allowed to remove the body from the hospital until the necessary papers had been signed." O'Donnell agreed, assuming it would be done on the

instant, but about ten minutes passed. "I was getting more concerned about Mrs. Kennedy's state all the time—although she appeared composed, as she had from the beginning. Then a gentleman did arrive who has later been identified for me as a judge. The gentleman was very calm and cool and collected. If my recollection is clear, he said something to the effect that as of now this was just a homicide case, and there were certain things that had to be carried out, one of which I interpreted as an autopsy.

"My recollection is it was indicated to us that the President is dead, the hospital has to perform certain functions, and the law must be met, no matter who it is, at this moment. In my own mind, when they said autopsy, I realized we were talking not about hours, but perhaps even days, which was an impossible situation for Mrs. Kennedy."

'YOU CAN'T DO THAT!

'Angered O'Donnell decided to ignore the demands of the Dallas officials. "We went in and took the body out," said O'Donnell. "Mrs. Kennedy stood right behind it, I think totally unaware of the problems that were then existing. We pushed the casket out through the hall. The first gentleman that had come in, who, I presume was from the coroner's office, shouted very loudly, 'You can't do that! You can't leave here now!' Nobody paid any attention to him. We pushed out through another set of swinging doors. I remember a Catholic priest was between this and the doorway, and was praying. It was most disconcerting because we were concerned at all times that some moment they would say stop, and I hated to think what might happen to Mrs. Kennedy if she had to go back and go through this all over again. So we brushed them all aside and came out the same way we had come in, through the same doors."

'In the presidential plane, O'Donnell urged the crew to take off quickly because "all of us were under the assumption or apprehension that at some moment we either might not be granted clearance to take off, or that the hospital may have in some way gotten the police to intercept us—the difficulty of that to Mrs. Kennedy was incalculable. I was in a highly des-

perate strait to get that airplane in the air and back to Washington."

One would like to think that the Chief Justice of the United States, who presided over the Warren Commission, knows the law and wants it to be respected. How could he accept without protest this candid confession of a bare-faced violation of the law?

O'Donnell's excuse that he wanted to spare Mrs. Kennedy's feelings has a ring of familiarity about it. Ruby had claimed that he killed Oswald only to save Jackie another trip to Dallas as a key witness at the assassin's trial.

Moreover, O'Donnell, in at least two important respects was not telling the truth in his deposition before the Commission. 'When they said autopsy, I realized we were talking not about hours, but perhaps even days. . . .' If the autopsy could be performed, as it was, that very same evening at Washington, thousands of miles away, then it certainly could have been performed, in a matter of hours, at Parkland Memorial Hospital.

He was not telling the truth, either, when he said: 'Then a gentleman did arrive who has later been identified for me as a judge.' For Manchester in his book makes it perfectly clear that both the coroner, Earl Rose, and the Justice of the Peace, Theron Ward, who later arrived on the scene, promptly identified themselves to all those present by name and official capacity. Although Manchester conspicuously takes the side of those who deliberately flouted the law, i.e. O'Donnell and the Secret Service agents, he provides enough tell-tale facts and quotes to bring out a scene of unheard-of lawlessness.

'Rose . . . was the Dallas County Medical Examiner, with an office in the hospital,' he states, . . . 'he knew a great deal of Texas law, and he treated it as a revealed religion. [Actually, the matter under review here has nothing to do with Texas law; it is a case of common and common-sense law, which would have been respected everywhere in the civilized world—J. J.] *Dura lex; sed lex*: the law is hard, but it's the law. That was his attitude.'

In Manchester's view, Dr. Rose ought to have been ashamed of having insisted on performance of his official functions, but the Medical Examiner 'was to suffer no feeling of shame afterwards. He worked himself into a white-hot anger that afternoon,

and he was so sure that he was right that his wrath never ebbed; a year later, the mere mention of the battle he had fought on November 22 was enough to make him tremble.'

It was quite a battle, indeed. Dr. Rose courageously put up a stiff fight, against overwhelming odds, to see the law respected, but in vain.

'To him the situation at Parkland was clear and clearly outrageous. A man had been killed in Dallas. Other men were trying to remove the corpse, in open defiance of Texas statutes. They were flouting rights of which Dr. Earl Rose was the appointed guardian. . . .'

Whose rights? Manchester leaves us in no doubt about it, even though he himself cynically approves the violation of those very sacred rights:

' . . . Rose had an ironclad case. Assassination is murder, murder is a felony, and in felonious crimes he had a legal obligation to Dallas County. That was why he had an office in Parkland Hospital. Justice must be served; *when and if captured, the assassins or assassin had rights, among them the right of access to the findings of an impartial post-mortem examination. . . .*'

That is the crux of the whole matter. Not the prestige of the office of Chief Executive is at stake here – as Manchester, once more toeing the official line in the case, would have us believe – but elementary safeguards of impartial justice.

At the very moment this battle was raging at Parkland Hospital, Lee Harvey Oswald was being captured at the Texas Theatre, shortly later to be charged with the assassination. The accused killer had rights – 'among them the right of access to the findings of an impartial post-mortem examination,' as Manchester correctly states.

Suppose Oswald had been brought to trial. Had the autopsy been performed at Parkland Hospital by, or under the supervision of, the appointed County Medical Examiner, as prescribed by the law, counsel for the defence would have had unhampered access to the findings of this post-mortem examination. Then the all-important controversial issue of the exact nature of the President's wounds, of the true direction from which the shots were fired, would never have arisen. Or if it had arisen in court, this crucial point could have been promptly and effectively settled by public display – or even by a display *in camera*

– of the X-rays and photographs that are automatically taken in such cases to ascertain the exact causes of death.

This basic, fundamental, inalienable right of Oswald – or any other defendant in the case – to be allowed to prove in court that he couldn't conceivably have fired the shots that killed the President, given the nature of the wounds as established by the on-the-spot autopsy, was brutally violated by O'Donnell and the Secret Service.

Is it reasonable to assume that Oswald's lawyer could have obtained 'free access' to the so-called findings of the pseudo-autopsy that was surreptitiously performed that night in Washington, in deep secrecy and under military, not legal, safeguards, when this evidence is being withheld from public scrutiny even today, although the case supposedly has been settled for years? Indeed, those very same X-rays and photographs that normally might have been the defence attorney's chief weaponry have been consigned to the limbo of the National Archives, along with Oswald's supposed rifle, Marina's testimony and a great deal of other vital information. How can one speak of free access to evidence which is 'classified' by the authorities?

In Manchester's view, Dr. Rose 'should have realized that an assassination without a scrupulous post-mortem was unthinkable.' Just how 'scrupulous' the autopsy at Bethesda Naval Hospital was going to be, the reader will be able to judge for himself after reading the following chapter ('The Autopsy Fraud').

When somebody pointed out to him that the body was that of the President of the United States, the Medical Examiner quite correctly replied: 'That doesn't matter. *You can't lose the chain of evidence.*'

Elsewhere, Manchester says of Dr. Rose 'speaking rapidly in a shrill voice': 'He appeared to be lecturing them on the protection of the innocent . . . which the Federal employees (meaning the Secret Service) were attempting to profane.'

The protection of the innocent – that was Dr. Rose's sacred duty, and if he had been allowed to perform it, the whole false case against Oswald would have crumbled at the outset. It is precisely because of the strong and vocal opposition which these two regularly appointed guardians of the law, Dr. Rose and Judge Ward, offered against the determined drive to kidnap the

President's body from the hospital that the extreme gravity of the case becomes impossible to overlook. O'Donnell and the Secret Service cannot plead either protocol or reverence for an exalted figure, or even ignorance of the felonious nature of their action. They used brute force to overrule a law that tolerates no exception and thereby to thwart the sacred right of a defendant to prove his innocence in court. No words are strong enough to condemn such behaviour—which to William Manchester appears perfectly normal and even praiseworthy.

Judge Ward also was simply pushed aside—even at the threat of a gun. Of him, Manchester reports: 'The judge explained . . . that if a J.P. suspected a homicide, it was his duty to order an autopsy. There were plenty of grounds for suspicion here, and he couldn't overlook them. *He guessed the procedure wouldn't take more than three hours.*'

Which again gives the lie to O'Donnell's statement to the Warren Commission that he had reason to fear a delay of 'perhaps days' before the party could leave for Washington.

It all adds up to the inescapable conclusion that this forcible abduction of President Kennedy's body from Parkland Hospital was deliberate and planned, even though not all participants may have been conscious of it. Those in charge of the operation, however, must have realized that what they were doing was not only flagrantly illegal but an irreparable affront to the elementary rights of the accused assassin. In the light of these considerations, the Wild West show enacted by the Secret Service at the Dallas Hospital, with the approval of O'Donnell, must be viewed as a link in the chain of false evidence being forged against the innocent Oswald. The next link in that chain was the fraudulent autopsy in Washington that was to follow upon the brazen body-snatching in Dallas. We now turn to that no less tell-tale event.

The Autopsy Fraud

IMMEDIATELY after President Kennedy's body had been flown to Washington and, on the very night of November 22, an autopsy was performed on it by high-ranking military surgeons, at the Bethesda (Md.) Naval Hospital. Commander James J. Humes, senior pathologist and director of laboratories, acted as chief autopsy surgeon.

Contrary to the original findings of the doctors at Parkland Memorial Hospital at Dallas, who had performed an emergency operation on the dying President and who—this is admitted in the Warren Report—had agreed that Kennedy had been hit in the throat, and that that wound was an entrance wound (for details, see Chapter 10 of *Oswald: Assassin or Fall Guy?*) the military surgeons, according to the Report, concluded that all wounds had been caused by bullets striking from the rear.

According to the official version, then, it was immediately established, at the Bethesda Hospital, that there was no entrance wound in the throat. Says the Report:

'Commander Humes, who believed that a tracheotomy had been performed from his observations at the autopsy, talked by telephone with Dr. Perry [of Parkland Memorial Hospital—J. J.] early on the morning of November 23, and learned that his assumption was correct and that Dr. Perry had used the missile wound in the neck as the point to make the incision. *This confirmed the Bethesda surgeons' conclusion that the bullet had exited from the front part of the neck.*'

Let's nail this down firmly. It is the morning of November 23, 1963, and Commander Humes, after checking with his medical colleague in Dallas, has reached the firm conclusion that the bullet which caused the President's neck wound had entered his body from behind and *exited from the front part of the neck.*

Now, turn to the *New York Times* of December 6, 1963. There we find a dispatch from Dallas, dated December 5, by Joseph A. Loftus, which begins with these words:

(12-5)

'Thirteen days after the assassination of President Kennedy, Federal investigators were still reconstructing the crime on film today. . . .

'An open car with a man and a woman in the back seat simulated again and again today the ride of the President and Mrs. Kennedy on Nov. 22. A motion picture camera in the sixth floor window that was used by the assassin recorded these trips. . . .

'Each simulation differed slightly, either in the speed of the car or the gestures of the occupants or in some other detail. On one trip both occupants of the back seat waved. On another the man turned to the right and, moments later, slumped in his seat; then the car's speed picked up. . . .

'One question was *how the President could have received a bullet in the front of the throat from a rifle in the Texas School Book Depository Building after his car had passed the building and was turning a gentle curve away from it. One explanation from a competent source was that the President had turned to his right to wave and was struck at that moment.*'

Ponder this carefully, please. Thirteen days after the autopsy had shown -- according to the official version -- that Kennedy had been hit only from the rear, the FBI stages an elaborate reconstruction of the crime designed to explain how it could happen that the President 'received a bullet in the front of the throat' -- and it finally comes up with the explanation that the President was struck (from the sixth floor window of the TSBD) as he 'had turned to his right to wave'.

Is there any possible explanation of this re-enactment -- the first one -- other than that the FBI, on December 5, 1963, still was satisfied that Kennedy had indeed received his throat wound by a bullet entering *from the front*? And can this self-evident fact be reconciled with the official assertion that the autopsy had established the opposite to be true? ●

What had happened, then? Clearly, Dr. Humes and his colleagues at Bethesda Naval Hospital did not reach the conclusions imputed to them by the Warren Report *immediately* but *at a later date*, after it had been found necessary to revise the official version of the shooting once more.

For, it will be remembered that the very first version, given out to the press by the Dallas police within hours after the

assassination, was that the first shot had hit Kennedy as his car moved toward the Depository Building, on Houston Street, and that he then had been struck again after his limousine had turned to the left into Elm Street. This version of course, was also predicated on the existence of a throat wound made from the front.

After the Zapruder film, other photographs taken on the spot and the concordant depositions of eyewitnesses had established beyond doubt that this version was false because Kennedy's car had already rounded the corner when the shooting began. the second version, sponsored by the FBI, was broadcast to the world. According to this story, Kennedy, his car well past the building, was hit in the front of his throat as he turned to the right, leaned over backward and waved to the crowd in such a manner as to expose his throat to a bullet fired from the sixth floor window of the TSBD. The above-mentioned 'reconstruction' staged on December 5, 1963, was clearly designed to substantiate that revised police theory. It was widely circulated in the world press.

There are at least three important circumstances that support my contention that the autopsy surgeons did not immediately reach the conclusions attributed to them by the Warren Report, but that they formulated them subsequently, as they were bid to.

In the first place, consider these further paragraphs from the *New York Times* dispatch by Joseph A. Loftus, quoted above:

'The best authority presumably on the exact angle of entry of the bullet is the man who conducted the autopsy. He is Dr. J. J. Humes of the Naval Medical Center, Bethesda, Md. Dr. Humes said he had been forbidden to talk. . . .'

Dr. Humes, a commander, is a military man. If he can be forbidden to talk, he can also be ordered to make a statement he himself knows not to be true. Orders are orders. There has been intense pressure on all witnesses and experts in the case, to make their testimony conform with the official story (latest version), as is also indicated by this concluding paragraph of the *New York Times* dispatch repeatedly referred to above:

'Most private citizens who had cooperated with newsmen reporting the crime have refused to give further help after being interviewed by agents of the Federal Bureau of Investiga-

tion. Dallas city and county police withdrew their help the same way. . . .

Not only was Dr. Humes clearly subject to military discipline which required him, in the case, to write an opinion acceptable to his Commander-in-Chief, but he also did two remarkable things one would hardly expect from the chief medical authority called upon to help solve the 'Crime of the Century'.

Indeed, the Warren Report discloses that Dr. Humes (a) signed an affidavit that he had burned all the original notes taken by him as he conducted the autopsy, and that he had kept no copy; and (b) that his report is *undated*.

This amazing fact, which of course lends further support to my contention that the 'conclusions' reached by Dr. Humes and his colleagues at Bethesda were not spontaneous but imposed upon them some time after the autopsy had been performed, is plainly evident from a careful scrutiny of Appendix IX. There, one finds first the text of a long 'Autopsy Protocol' which carries, at the bottom, the signatures of Commander Humes as well as those of Commander Thornton Howell and Lt. Colonel Pierre A. Finck, *but no date*. This document is followed by another entitled 'Supplementary Report of Autopsy' signed by Dr. Humes alone and clearly dated '6 December 1963.'

If the 'Supplementary Report' was dated, why was no date affixed to the far more important 'Autopsy Protocol?' The answer, to my mind, is clear: because the latter had been undergoing a number of changes since it was initiated on the night of the autopsy.

In this connection it is interesting to note that the 'Autopsy Protocol,' in a 'clinical Summary' that precedes its findings, quotes a *Washington Post* news report dated November 23, 1963, which alone proves that this document cannot have been written either on the night of November 22, when the autopsy took place, or the following morning.

The 'Supplementary Report' states, in a 'Final Summary': 'This supplementary report covers in more detail the extensive degree of cerebral trauma in this case. However, neither this portion of the examination nor the microscopic examinations alter the *previously submitted* report or added significant details to the cause of death.'

Since this 'Supplementary Report' bears the date of Decem-

ber 6, the 'previously submitted' report, i.e. the 'Autopsy Protocol' cannot well be of later date—unless there has been a juggling of dates.

Now, the 'Summary' of the undated 'Autopsy Protocol' states:

' . . . it is our opinion that the deceased died as a result of two perforating gunshot wounds inflicted by high velocity projectiles . . . fired from a point behind and somewhat above the level of the deceased.

'The fatal missile entered the skull above and to the right of the external occipital protuberance. . . . The other missile entered the right superior posterior thorax . . . and made its exit through the anterior surface of the neck. . . .'

Here, then, we have an inexplicable contradiction. An undated autopsy report, which, circumstances indicate, cannot have been written before the late morning of November 23 (after the *Washington Post* had been read and digested), nor later than December 5, since it states that 'a supplementary report will be submitted following more detailed examination of the brain and of microscopic sections . . . ' concludes that one shot hit Kennedy at the top and to the right of his head while the other struck him at the back and caused an *exit* wound in the throat.

At exactly the same time, however—December 5—a team of FBI agents carried out, at Dallas, an elaborate 'reconstruction' for the purpose of demonstrating that Kennedy could have been shot in the front of his throat although his automobile was beyond the Depository at that moment.

How to explain this flagrant discrepancy? There would seem to be only one possible explanation: at the time the FBI was staging its above-described ballistic experiment in Dallas, *all* the medical evidence, i.e. not only the findings of the doctors at Parkland Memorial Hospital, but also the conclusions of the autopsy surgeons, pointed towards an *entrance* wound in the throat. Later, when it turned out that this entrance wound could not possibly have been caused by a bullet striking from behind, because a careful examination of the Zapruder film, other photographic evidence and eyewitnesses' testimony showed, beyond doubt, that Kennedy was not waving to the crowds at the right, much less leaning backwards, when he was first hit, but that he was looking straight ahead, the second

police version had to be dropped, too, and the medical evidence adjusted in accordance with the third, now coming up. In the process, the 'Autopsy Protocol' apparently was altered, which would seem to be the reason for the lacking date, while the 'Supplementary Report' which contained no information concerning the direction of the shots, was left intact, including its date.

The third official version of how Kennedy was shot—again an FBI product—did not see the light until much later. By that time the results of the Re-enactment No. 1 (December 5, 1963), had been discarded as untenable in the light of the photographic evidence of the assassination and a substitute version was urgently needed. How this was come by, or rather produced—Hollywood fashion—is described in the following AP dispatch from Dallas, dated May 24, 1964:

'Federal agents spent seven hours yesterday tediously reconstructing the Dallas motorcade scene in which President Kennedy was assassinated. Cameras recorded the re-enactment for the Warren Commission, charged with investigating the Nov. 22 assassination.

'J. Lee Rankin, chief counsel for the commission, said agents were "just trying to check out some of the approximate positions and places of the car at the time of the shots." Mr. Rankin said it was the most extensive re-enactment since the slaying, surpassing a similar reconstruction by the Secret Service shortly after the assassination.

"We wanted to be as accurate as we could in the reconstruction," he said, revealing that the actual murder weapon was used in the simulated assassination.

'A Federal agent repeatedly poked the weapon through the sixth floor window of the Texas School Book Depository building where police say self-avowed Marxist Lee Harvey Oswald fired the fatal shots. . . .

'An agent sitting in the simulated death seat of the limousine bore a chalk mark on the back of his coat where the first bullet entered the President's body. A patch was placed at a spot on the back of his head to indicate where the fatal bullet struck.

'A second agent, posing as Gov. John B. Connally, Jr., wore the same suit Mr. Connally was wearing when he was seriously wounded, the bullet hole in the coat was circled in chalk. . . .

The *New York Herald-Tribune* presented this dispatch under the charmingly hollywoodesque headline: 'Kennedy Death Playback With Some Real "Props"' while the *New York Times* titled its story more soberly: 'FBI Men Re-enact Kennedy Shooting'. Yet the 'Trib' was much closer to the truth than its rival, because the whole thing was far more of a show in which 'players' and 'props' were used, than an honest re-enactment of what really had happened.

The UPI dispatch from Dallas describing the same show came a bit closer to defining its true purpose: 'Still and motion picture photographs were taken from all angles, to prove without a doubt that the fatal bullets were fired from the window where Oswald was believed to be crouched behind some book cartons. . . .'

Again, the same story. A 're-enactment' is staged, but not—as would be the case in a normal judicial proceeding—for the purpose of finding out what really happened. Rather, its object is to substantiate a preconceived notion. First comes the assumption that Oswald, 'crouching behind some book cartons,' fired all three of the shots conceded by the police; then comes the massive effort to 'reconstruct' the details by trying out all possible variants in hopes of finding one that will suit the official thesis.

The local press, eager as always to whitewash the fair city of Dallas by loading all burden of guilt on the out-of-town scapegoat Lee H. Oswald, went even further in revealing the single-track purpose of this one-sided show. Witness this UPI dispatch from Dallas, dated May 27, 1964:

'A re-enactment of the assassination of President Kennedy has proved that the bullets could have been fired only from the Texas School Book Depository, the *Dallas Times-Herald* said today. The newspaper said that it had been informed by reliable sources that the Warren Commission's sole purpose in the re-enactment, last Sunday, was to prove this. The *Times-Herald* said the re-enactment had been prompted by continuing reports that the bullets last Nov. 22 came from either the Triple Underpass near Elm and Houston Streets or from a grassy knoll. . . .'

Well, at least that's frank enough. Obviously, then, the purpose of this peculiar 're-enactment' was not to find out which

one of several possible alternatives to be tested was most likely the true one, but to provide substance for a conclusion reached beforehand.

As a matter of fact, any conceivable alternative to the approved official thesis was not only ignored, but ruled out in advance. The New York daily *Newsday*, in a special report from Dallas, was quite specific: *'No alternate place was checked for the position of the assassin, other than the sixth floor of the depository.'*

Could there be anything more prejudiced, more partial, more completely unfair than such a way to 'reconstruct' the Crime of the Century?

After all, the 're-enactment' had been prompted, according to the *Dallas Times-Herald's* 'reliable sources', by 'continuing reports' that the bullets had come from the Triple Underpass or the nearby grassy knoll.' (Not all the bullets, it should be interpolated here, but some of them.)

Had the Warren Commission kept an even half-open mind, had it been inspired by even a minimum pretence of justice and fairness, it could not possibly have ruled out an on-the-spot check of the question whether *some* shots *could* have come *also* from the opposite direction. The unabashed one-sidedness of the test proves more than anything else that it was a fraud and was meant to be a fraud.

There are plenty of other indications, at that, that this 're-enactment' was intentionally deceptive.

'Almost everything was the same as in the actual assassination,' the above-quoted UPI dispatch of May 24, 1964, related, and then continued with a sentence that shows the opposite to be true: 'Although the car used for the test was not the presidential "bubbletop" that now has been given extra armor, *the vehicle in the re-enactment had been in the Dallas parade.*' Such a statement would make a great punch line in a funny show, but it is hardly appropriate in describing the 'macabre re-enactment of the assassination,' to quote *Newsday* again. It was macabre indeed, the way they reconstructed, with a mass of make-believe stage props and carefully coached players, exactly how President Kennedy was *not* killed.

Although the Warren Report, too, states that the car used in the 're-enactment' was 'similar in design' to the limousine in

which Kennedy was killed, it reveals, in a different context, the opposite to be true.

For, in Chapter II ('Organization of the Motorcade') the Report states that the President's automobile was 'a specially designed 1961 Lincoln convertible,' whereas the Presidential follow-up car—the one that was used in the 're-enactment'—was a 1955 Cadillac 'especially outfitted for the Secret Service.'

Moreover, the former had only six seats (including two collapsible jump seats), whereas the latter was an *eight*-passenger car. Two totally different models, then—and another, striking example of false pretences!

If they used the same suit Governor Connally had been wearing when he was wounded, why didn't they also use, in this most important test, the jacket the President had on when he was struck? Was it perhaps because there never was a bullet hole in the back of that jacket?

Just look at that famous picture—an AP Wirephoto flashed around the world—of those two FBI or Secret Service agents posing as Kennedy and Connally in that fake 're-enactment' of May 24, 1964. This picture was to serve the same purpose as the 'test' itself; to prove to the world that the third official version of the shooting was the right one, that one and the same bullet went through the bodies of both Kennedy and Connally.

It is by far the most preposterous of all the official versions that have been put out in succession in order to conceal the simple truth: *that Kennedy was first hit in the throat by a sniper firing from in front or to the side of him and then had his head blasted to pieces by what was probably a dum-dum bullet fired from the sixth floor of the Book Depository by another sniper who was not Oswald.*

Look at that picture again and then judge for yourself, if a bullet fired downward at the steep angle presented by the sixth floor of a tall building could possibly have hit that man in the make-believe car at the spot in his back where they put the chalk mark, exited through his throat, just below the Adam's apple, and then pierced the back of his co-player in the seat ahead of him where that other chalk mark is. Not unless it was a bullet trained to jump up, and down, and move sideways!

The Warren Commission bought this outrageous FBI fraud integrally and tried as usual to gloss over its conspicuous impos-

sibility with a lot of pseudo-scientific gobbledygook. The Report also conceals the fact that Dr. Perry, in his testimony, had reluctantly accepted the possibility that Kennedy's throat injury might have been an exit wound only on condition that the bullet was 'of low velocity', so low in fact 'that you might think that this bullet barely made it through the soft tissue, and just enough to drop out of the skin on the opposite side.'

As Prof. Trevor-Roper has pointed out in the *Sunday Times* of January 3, 1965: 'And yet the Commission, having accepted the conclusion, did not accept this necessary condition of it. It could not do so, because its further theory required it to believe that this same bullet, so far from just dropping out of the front of the President's neck, went on to pass right through the body of Governor Connally. . . .'

It should be added here, that that 'low velocity bullet' with just enough strength left to it 'to drop out of (Kennedy's) skin' not only went on to strike Governor Connally but, according to the Warren Report, did all of these things: it 'traversed the Governor's chest in a downward angle, shattering his fifth rib, and exited below the right nipple. This done, and still far from having spent itself, the bullet then went on to strike Connally's right wrist and finally buried itself in his left thigh. And in the end it wound up under the mat of the stretcher!

The whole thing, again, is impossible on the face of it and it is refreshing to find that the strongest disbeliever in this latest police version, which the Warren Commission endorsed as being 'persuasive,' is none other than Governor Connally himself. The Report concedes this:

'Governor Connally's testimony supports the view that the first shot missed, because he stated that he heard a shot, turned slightly to his right, and, as he started to turn back toward his left, was struck by the second bullet. . . .'

That the qualifying sentence 'supports the view that the first shot missed' was inserted gratuitously by the Commission and does not reflect the Governor's own feeling, nor that of his wife, is demonstrated by a following sentence: 'Mrs. Connally testified that after the first shot she turned and saw the President's hands moving toward his throat. . . .'

Why should Kennedy have clutched his throat (as indeed the Zapruder film shows he did) after the first shot, if that shot

missed? It's absurd—but, then, absurdity never worries the Warren Commission.

'Mrs. Connally further stated that she thought her husband was hit immediately thereafter by the *second* bullet,' the Report goes on to say.

A few paragraphs later, one reads: 'Mrs. Kennedy's testimony indicated that neither the first nor the second shot missed. Immediately after the first noise she turned, because of the Governor's yell, and saw her husband raise his hand to his forehead. Then the second shot struck the President's head.'

Thus the three eyewitnesses closest to the scene all agree that Connally was *not* hit by the same bullet as the one that had struck the President, but by a subsequent one. Even after the completion of the Warren Report, which acknowledges but also disputes his testimony ('conceivably a delayed reaction,' 'did not immediately feel the penetration of the bullet,' etc., etc.), Connally stuck to his guns.

According to the *New York Times* of September 25, 1964: 'One question about the assassination is whether Governor Connally, who was riding with Mr. Kennedy, was hit by a second bullet or the first one that struck the President.

"I have some pretty strong feelings on that subject and I testified about them to the Warren Commission" the Governor said when asked about this. "I have always felt that there was a second shot that hit me."

Why should the Warren Commission be so eager to override Connally's own testimony (as well as the concordant one of his wife), accepting instead the dubious conclusion of FBI 'experts' based on the fake re-enactment described above?

The answer is very simple: because the whole Oswald story, as officially presented, hangs on that thin thread.

Indeed, it is, and has always been, freely admitted by all investigators concerned that Oswald could not possibly have gotten off *four* shots in the time span established and with the kind of weapon he is supposed to have used. (Even three shots strain plausibility, but we'll let it pass for the sake of argument.) Three—barely possible. Four—out of the question.

Now, the Warren Commission has ascertained, and for the first time made public, a fact of the greatest importance which the Dallas police and the FBI had strenuously concealed from

public knowledge: one of the shots fired at the presidential motorcade – which one, the Commission is not sure – missed and hit a curbstone on Elm Street. A bystander even was injured by the ricochet, we now learn.

On the other hand, it is established beyond question that two different bullets hit Kennedy and that at least one caused multiple wounds in Connally's body. That makes, by normal count, a minimum of four shots – and throws the whole Oswald story for a loop.

Hence, the Commission was faced with the inescapable necessity of either acknowledging that Oswald cannot have been the lone assassin, or else making one bullet go through two bodies, even at the cost of piling one absurdity atop the other.

And so, according to the official story, we have a bullet so spent by its trajectory that, by medical count, it could barely have dropped out of the skin, pursue a vigorous course into another body, traversing it from side to side, shattering a rib, injuring a wrist and plunging into a thigh, and finally crawling under a mat (cf. Part I, Chapter 12).

And we have also a victim who, after first hearing a shot, then making two turns, one to the right, the other to the left, and making a startled exclamation is hit by the same bullet that pierced the body of a man sitting a few inches behind him before he heard the shot.

All that you and I and the rest of the world are supposed to believe.

And here is the crowning glory of it all: at least two of the top surgeons at Parkland Hospital, Dr. Robert R. Shaw and Dr. William Kemp Clark, had told reporters in November 1963 that the bullet that had hit Kennedy in the throat *did not exit at all*. Dr. Shaw, in an interview with Martin J. Steadman, of the *New York Herald-Tribune*, had even added specifically that this bullet 'was removed in Bethesda Naval Hospital, where an autopsy was performed' (Herald-Tribune, November 28, 1963).

Ten months later, we were told by the Warren Commission that this same bullet, removed by surgeons in the course of an autopsy of Kennedy's body, was the bullet supposedly found at Parkland Hospital on Governor Connally's stretcher.

Here the gigantic re-enactment fraud is exposed in all its glory!

'A Matter of Reasonable Doubt'

UNDER this subdued front-page headline, *Life* magazine, in its issue of November 28, 1966 (out Nov. 21) performed the most memorable journalistic somersault of the decade.

Until then, for three staid years, *Life* and its sister publication *Time* had been among the staunchest defenders of the official version of the assassination. Not a shadow of doubt about Oswald's single-handed exploit had ever passed through the editorial rooms of the towering *Time* and *Life* Building in New York. Or else it had been quickly shooed away By Order.

Then, on the third anniversary of the assassination, *Life* startled the whole world with a ringing call for a new investigation, based on a reasonable 'and disturbing' doubt of the accuracy of the Warren Report.

Life's doubts do not concern Oswald's guilt. They revolve solely about the question whether he might have had a 'co-conspirator.'

These doubts arose after Governor Connally, at *Life's* invitation, had performed a painstaking frame-by-frame re-examination of the Zapruder film which had left him more firmly convinced than ever that he could not possibly have been hit by the same bullet that had previously pierced President Kennedy's body.

Shatter the single-bullet theory and you shatter the Warren Report. No less an outstanding personality – and key witness – than Governor Connally has performed this service. Here are some of the most significant passages of *Life's* story of how he did it:

'The significant area of doubt narrows down to one point: Were Connally and the President – as the Warren Commission held – wounded by the same bullet? If so, there was probably only one assassin. Or – as Connally and many others maintain – were the two men hit almost simultaneously by separate

bullets? If so, there must have been two assassins. The question haunted the Warren Commission in its investigations into the death of President Kennedy. . . .

'Testifying before the Commission, Connally insisted—as he does today—that he heard what he instantly identified as a rifle shot. As he was turning to look at the President, he felt a second shot hit him. When the Commission ran off the Zapruder film for him, the governor identified certain frames as ones during which he believed he had been hit. The moment he selected was at most 1.3 seconds after the earliest moment when Kennedy according to the Commission, could have been hit. Experts have proved that the murder weapon could not be fired any faster than once every 2.3 seconds. If the Commission is right about the timing of the first bullet that hit Kennedy, and if Connally is right about his own wound, Oswald could not have had time—in 1.3 seconds—to fire at both Kennedy and Connally. There would have had to be a second assassin.

'The governor's testimony shook the Commission. Three of the seven members expressed doubt that the single-bullet theory had been proved. A separate FBI report on the assassination also maintained that Kennedy and Connally had been struck by different bullets. But in the end skeptical commissioners went along with the majority and signed the Report, which—for reasons explained in the record—states that Connally must have been mistaken; that he and the President were probably hit by the same bullet and that in any case the question was "not necessary to any essential findings of the Commission."

'This last statement shocked critics.'

That's putting it mildly. Actually, that statement is an affront to common sense and elementary logic. It was, after all, a prominent member of the Commission's staff, Prof. Norman Redlich—one of the most ardent promoters of the single-bullet theory—who presented the problem in the neatest possible manner: 'To say that they were hit by separate bullets is synonymous with saying that there were two assassins.'

And to say that it isn't essential to a murder investigation—one in which the question of conspiracy is the principal issue—whether there were two assassins, or just one, is synonymous with hocus-pocus.

Let us go back to Connally's frame-by-frame search of his past experience.

'Early this month, at *Life's* request, Governor Connally looked at the disputed frames from the Zapruder film once again. This time he got more than just the screen showing that the Commission had given him. He was also given enlargements of every frame, which he could examine in detail under a magnifying glass. Ever since he testified before the Warren Commission the governor had kept silent preferring to let the Report speak for itself. But as he examined the individual frames he was able to see and recall a number of significant details that he had missed in the Commission showing and had never brought up in his testimony. These confirmed in his mind what he had previously told the Commission—that he had been hit by a second bullet. . . .

'The disagreement between Governor Connally and the Commission arises over how to read the Zapruder pictures. Of the three bullet strikes—the President's neck wound, the governor's wounds and the President's head wound—only the mortal blow to the President's head is easy to mark on the film. This occurred in the 313th frame and is not shown here because it does not bear on the controversy. The two earlier hits are harder to pin down. President Kennedy, according to the Commission, was out of Zapruder's sight behind a road sign when the first bullet hit him in the neck, and the film seems to confirm it. He was out of sight for 18 frames—one second. No one can say for sure in which of them he was hit.

'Governor Connally, according to the Commission, was hit at the same time as the President—and therefore also out of view. Connally testified to the Commission that it happened other wise: "I heard this noise which I immediately took to be a rifle shot. I instinctively turned to my right . . . but I did not catch the President in the corner of my eye. . . . Failing to see him, I was turning to look back over my left shoulder . . . but I never got that far in my turn. I got about in the position I am now facing you, looking a little bit to the left of center, and then I felt like someone had hit me in the back." . . .'

Governor Connally established frame No. 234 of the film (as numbered by the commission) as the probable point at which a bullet struck him. This is at least nine frames and one half second

later than the point at which the commission came to the conclusion that the Governor was hit. This time sequence, however, would make it impossible for the Maunlicher Carcano rifle owned by Lee Harvey Oswald, the sole assassin, according to the commission, to be refired, as it required more time to open and close the bolt after the first shot fired at President Kennedy.

The commission established that the President was 'not hit until at least frame 210 and that he was probably hit by frame 225'. Even at frame 210, *Life* argued, the 1.3 seconds until frame 234 was still a whole second less than the mechanism of Oswald's rifle needed.

Life quoted Mr. Connally as saying: 'They talk about the one bullet or two bullet theory, but as far as I am concerned, there is no theory. There is my absolute knowledge and Nellie's (his wife) too, that one bullet caused the President's first wound and that an entirely separate shot struck me. It's a certainty, I'll never change my mind.'

Mrs. Connally, once again, emphatically corroborated her husband's account and added, of her own, a most important piece of information.

'It was almost two months before any of the investigators showed any interest in examining John's clothing,' she said. 'When he went into surgery they gave me his tie, trousers and socks in a paper bag. We finally located John's shirt and suit coat, which we were concerned about because of the wallet and personal papers in his breast pocket, in Congressman Henry Gonzales's clothes closet in Washington. I told the Secret Service and I guess the FBI that I had the clothes, but *nobody seemed interested*. After about seven weeks I took John's shirt . . . it was all smeared with his flesh and blood, and dipped it in cold water several times to try and preserve it. Someone finally came to pick up his clothes. I think the Commission said his shirt was useless as evidence because it had been "laundered." But I never laundered it. I just soaked it in cold water.'

Ponder the implications of this amazing statement which did not arouse even a ripple of indignation among the American public.

Nobody in authority bothered to look for, much less to safeguard as material evidence, the clothes worn by one of the two victims of the shooting. The wife of the man who has been

critically wounded by an assassin as yet unknown calls the attention of the Federal policemen to the fact that she had recovered the clothes and '*nobody seemed interested!*'

For seven weeks after that, Mrs. Connally patiently waited for somebody in authority to exhibit an interest in the blood-smeared clothes, but nobody called.

Remember that Lee H. Oswald was for two days in the hands of the law. He was being relentlessly grilled by the Dallas police, the FBI and the Secret Service. What for? One would like to presume that it was for the purposes of a trial to be held shortly. A lawyer for the defence, suspecting that Connally had been shot, not by his client, but by a sniper posted ahead of the motorcade, would certainly have wanted to examine those clothes. As far as the shooting of Connally is concerned, they were without question Exhibit A. Yet this vitally important evidence was not secured—deliberately not secured—by the 'law-enforcement agencies.' They dismissed it out of hand as a trivial matter.

Again, here, the evidence that no trial of Oswald was ever contemplated by his accusers hits you right between the eyes. And that evidence damns Oswald's accusers as accomplices of the real assassins.

And the Warren Commission?

Again, it found no fault with the way the material evidence had been handled. It simply lamented the fact that a shirt that had been lying around for seven weeks, smeared with flesh and blood, was 'useless as evidence,' and added the misinformation that it had been 'laundered' when it was not.

The whole thing is so shocking, so outrageous, one is at a loss for the right words to castigate it properly. In the lowliest underworld murder trial, there would have been a nation-wide outcry over such police procedure. There would have been a general clamour for the heads of those responsible.

Not so in investigating the 'Crime of the Century.'

There, anything goes.

Why?

The Scandal of the Missing Frames

EVERYBODY tampered freely with the material evidence—the Dallas Police, the FBI, the Secret Service, the autopsy surgeons, the Warren Commission, even the press—and everybody was caught at it.

This flagrant disregard for the sanctity of facts, this blatant perversion of historical truth, demonstrated a hundred times, alone warrants the inescapable conclusion that the official version is a fraud.

Next to the layout of the sniper's nest in the TSBD (see Chapter 1), and to the autopsy photographs and X-rays (buried in the National Archives), the most important piece of evidence in the case is the Zapruder film.

Abraham Zapruder, a Dallas manufacturer and amateur photographer was taking motion pictures of the motorcade from a vantage position on the grassy knoll in front of the wooden fence. His film, taken at close range as the President's limousine moved slowly toward him on Elm Street, recorded in minute, if sometimes blurred, detail every phase of the shooting.

What happened to this film, this piece of evidence of paramount importance? Was it seized on the spot by the police or the Secret Service and turned over to the safekeeping of judicial authorities?

No, sir. It was *bought*, on the spot, by *Life* Magazine and has remained, uninterruptedly, in the possession of that commercial organization ever since. The Warren Commission never saw the original film because it was, as General Counsel J. Lee Rankin cynically explained, 'private property' and *Life* (according to an FBI report) 'was reluctant to release the original because of the value.'

No such legal niceties were observed in the case of Oswald's rifle as has been related in Chapter 16. Why was 'private property' respected in one case, but not in the other?

In any case, the Warren Commission had broad authority to subpoena evidence. If it did not do so in the case of the Zapruder film, the reason quite obviously, is that it did not want to see the original which, as the Commission knew only too well, would not support its preconceived conclusions. Just as the Commission, for the same reason, deliberately refrained from inspecting the autopsy photographs and X-rays of the president's body.

Of late, the German illustrated magazine *Der Stern*, with the cynicism characteristic of all handling of material evidence in the case, has claimed part of the credit for the operation that resulted in the withholding of the *original* of the Zapruder film from the authorities as well as from public viewing.

In its issue of January 15, 1967, *Der Stern* wrote about 'the film that proves everything' (it does indeed—but not the way the magazine thinks—J. J.) as follows:

'At a distance of 17 meters, the clothing manufacturer Abraham Zapruder took the only motion picture of the assassination of John F. Kennedy. At 12:30 the news agencies flash the first news about the shooting. Two minutes later, the news desk of *Stern* asks the German postal service to establish a direct line to the office of our New York correspondent. There, Yvonne Spiegelberg immediately phones Harry McCormick, court reporter of the *Dallas News*. Pandemonium reigns at the paper's editorial offices. Nevertheless Harry McCormick manages to say quickly that he has heard somebody had taken a motion picture of the assassination. Upon learning this, editor-in-chief Henri Nannen immediately instructs the New York bureau to obtain this film in cooperation with *Life*, America's biggest illustrated magazine. Informed by *Stern*, the editors of *Life* promptly dispatch a special plane to Dallas where they are able to outbid all other agencies and magazines. Zapruder thus becomes a millionaire. *Life* shows its gratitude for the tip received from *Stern* by giving us the exclusive rights to this Film of the Century for the German-speaking area.'

Material evidence of the highest importance in determining the exact circumstances of the slaying of America's president being sold at auction to the highest bidder! Isn't that enough to make your blood boil? It didn't bother the Warren Commission one bit, though.

If *Life*, notified by their German friends of this priceless op-

portunity, dispatched a special plane to Dallas to bargain with Zapruder and outbid the competition. several hours must have elapsed between the taking of the film and its sale to *Time*, Inc. (owners of *Life*). Where was the film during those crucial hours, with Oswald already in custody and being grilled by the Dallas police, the FBI and the Secret Service? Wouldn't it have been the first duty of these 'law-enforcement agencies' to confront their suspect with such capital evidence of his crime?

J. Edgar Hoover, Director of the Federal Bureau of Investigation, in his statement of November 25, 1966, upholding the findings of the Warren Commission in the face of mounting criticism, declared that the FBI had never been in possession of the *original* film but had at its disposal only a copy which was forwarded to the Warren Commission and later deposited in the National Archives.

Note that Hoover refers only to *possession* of the original film. He does not say that his men had not seen it. Indeed, it is apparent from a statement in Vol. V (p. 138) of the 'Hearings' that the original was viewed by agents of the FBI—but not until three months after the assassination! One of these, an expert in photography, testified before the Commission: 'The original had considerably more detail and more there to study than any of the copies, since in the photographic process each time you copy you lose some detail.'

Losing detail was not, however, something to worry the Commission. On the contrary, it displayed earnest intent to lose as much of it as possible. It even managed to lose the four most important frames of the Zapruder film, as we shall see.

But, first, the question must be asked again: Who was in possession of the Zapruder film up to time *Life* took charge of it? The answer is: The Secret Service.

Most, if not all, of the films and photos taken at random by spectators at the assassination scene were impounded by the Secret Service and not restored to their owners until after inspection. In at least one case, that of a young woman named Mary Moorman who snapped a picture of the presidential limousine the moment Kennedy was first hit, at a distance of a few feet only, using a Polaroid camera, the photo was never returned. It is now buried, along with other 'Kennedy assassination materials,' in an inner vault of the National Archives,

equipped with highly sensitive electronic detection devices to guard against fire and theft.

Why is the Zapruder film 'private property,' while the Mary Moorman photograph is not?

Why was one relegated to the National Archives sight unseen, while the other is represented there in the shape of a copy having lost considerably in detail?

The Secret Service, in one instance, deprived a citizen of private property of potentially great value (even in a commercial sense) and, in another instance, lightly handed over material evidence of crucial importance to a commercial organization.

The Warren Commission, in one instance, committed a most telltale photo to the obscurity of the National Archives without even studying it—ostensibly, anyway—for Miss Moorman was neither asked to testify nor is she mentioned anywhere in the Warren Report.

In the other instance, the Commission conspicuously failed to use its subpoena powers in order to obtain possession of vital evidence. Does all this bespeak an honest search for the truth?

There is another aspect of the matter that deserves to be emphasized, while it is usually ignored, or glossed over lightly, in the public discussion.

Evidence, in fair judicial proceedings, serves not only to convict, but also to exonerate the accused. When the Zapruder film was allowed to fall into private hands, with the Secret Service conniving in this procedure, didn't anybody think of what this meant to the only suspect then in police custody, Lee Harvey Oswald?

Or was there a set purpose not to give the accused the benefit of a fair trial? Or even a set purpose, even at that early moment, not to let him have a trial at all?

Is not this arbitrary handling of material evidence of crucial importance, *while Oswald was still alive*, proof positive that those in charge of proceedings knew beforehand that there wasn't going to be a trial? That they knew Oswald would never have his day in court and that no questions would be asked, therefore, neither by a counsel for the defence nor by a judge and jury concerning the way the evidence was handled by the authorities?

And does not all this point squarely towards conspiracy?

Life having gained sole possession of the original film, lawfully or unlawfully, wittingly or unwittingly, the editors of that magazine became *ipso facto* the guardians of a national trust. It was incumbent upon them, from that moment on, to see to it that the evidence in their hands was preserved intact, in its entirety, so that at some future date the investigation could be reopened without hindrance.

Because of this manifest responsibility, the scandal of the missing frames, which has come to light only most recently, reflects not only on the work of the Warren Commission but also on the integrity of topflight executives at *Time*, Inc.

Let us follow the development of the scandal step by step.

First, in the course of the controversy that has swirled around the Warren Report practically since it was published, the amazing fact came to light that four frames—208 through 211—had unaccountably disappeared from the copies of the Zapruder film available for public inspection. The importance of these missing frames results from the widespread suspicion, among experts who have carefully examined the sequence, that Kennedy was hit by the first shot not at the point the Commission assumes but several frames earlier, to wit between frames 190 and 210.

Now, the Commission has credibly established that during this particular interval the line of sight from the sixth-floor window of the TSBD was obstructed by the foliage of an oak tree. In other words, Oswald could not have fired such a shot; it must have come from a different direction. The acid test of this contention lies, of course, in close scrutiny and analysis of each one of these frames. But at least three of them that fall in the critical area, 208, 209 and 210, are not available for inspection. Whose fault is it?

In an article published in the December 1966 issue of *Esquire*, Edward Jay Epstein, author of *Inquest*, neatly sums up the problem:

'The fact that film frames 208 through 211 have been deleted from the black-and-white frame-by-frame photographs published by the Warren Commission (Exhibit 885) and from the color slides of the Zapruder film at the National Archives—and the fact that frames 207 and 212 show obvious splice marks—has led a number of theorists to suspect that Kennedy was shot

during that interval and that the four missing film frames were suppressed deliberately.'

Even in his book, *Inquest*, Epstein has evinced a tendency to reassure his readers right after exposing to them the most striking falsehoods and absurdities of the Warren Report. Here, again, he exudes balmy optimism:

'*Life* magazine owns the original film and according to those who have seen it, the film is complete, no frames are missing, and Kennedy does not appear to have been hit in the sequence. The Archive's frames may just have been damaged innocently.'

Unfortunately for Mr. Epstein, his reassuring words had hardly been printed before they were belied by events.

First, *Newsweek* in its (predated) issue of February 6, 1967, reported under the heading: 'SOLVED: MYSTERY OF THE MISSING FRAMES:'

'The mystery of missing frames in the published movie record of President Kennedy's assassination has been solved, according to a lawyer who served on the staff of the Warren Commission. Wesley J. Liebeler, now a UCLA law professor, says the frames (Nos. 208, 209, 210, 211), missing from Volume 18 of the commission report, were destroyed *accidentally* by *Life* magazine photo lab technicians working on the original film which *Life* bought from Dallas manufacturer and movie buff Abraham Zapruder. Some critics accused the commission of deleting the frames because they supposedly suggested that Kennedy was hit earlier than the commission concluded—and, possibly, by someone other than Lee Harvey Oswald. But, Liebeler notes, commission staffers, the Secret Service and FBI had reached their conclusions already from studying complete copies of the film made by Zapruder before sale to the magazine. Then in its hurry to bring a report to the public, the commission put the pictures into Volume 18 *without noticing that four panels were missing.* As Liebeler explains: "Making up the volumes was viewed as a housekeeping function."

The falsity of this statement is evident on its face. For, 'the sale to the magazine,' i.e. to *Life*, was made, as we have seen, within a day or two, if not within hours, after the assassination. All rights were sold, including the right to make copies. As early as November 29, 1963, *Life* published a series of stills from the Zapruder film it had bought. On that same day (disregarding

the fact that *Life* issues are predated, too), the Warren Commission was appointed by President Johnson. The Commission held its first meeting on December 5; J. Lee Rankin became general counsel on December 8, and after that date the recruitment of other counsels and assistants began.

How, then, could 'commission staffers' have studied 'complete copies of the film' before it was sold to *Life*?

And how could the Secret Service and the FBI have 'studied complete copies of the film,' before sale to the magazine, when copyright at that same moment passed to *Life*? (There has never been any suggestion anywhere that Zapruder had made copies on the sly and passed them around in violation of his exclusive contract with *Life*.)

Again, if 'Commission staffers, the Secret Service and the FBI' had already 'reached conclusions' from 'studying complete copies,' and *Life's* laboratory technicians subsequently destroyed those four frames of the *original*, how come those panels are also missing on the Commission copy that was consigned to the National Archives?

On the heels of the above-cited Liebler statement to *Newsweek*, the Associated Press on January 30, 1967, sent out from New York a dispatch that read in part:

'*Life* magazine Sunday acknowledged that four frames in the original movie film that recorded the assassination of President Kennedy had been *accidentally* destroyed by its photo lab technicians.

'The acknowledgment, by managing editor George P. Hunt, came in the wake of a *Newsweek* magazine article saying "the mystery" of the missing frames had been solved.

'Mr. Hunt told the Associated Press: "I don't know just how many frames were hurt. Unquestionably, there were some damaged in the process of making still pictures from the movie film — it was very small and delicate."

'The point is, copies of the movie film were made before the frames in question were damaged and the copies were complete. Everybody had seen them.

'*Life* issued a later statement saying the frames had been *accidentally* ripped. . . .

And accidentally spliced?

This statement is just as disingenuous as Liebler's. As has

been noted before, the first stills made from the Zapruder film were published in *Life* as early as the number dated November 29, 1963. Taking into account the normal one-week interval between printing and publication date (though, in this particular case it must have been somewhat reduced) it is obvious that the making of the stills took place within a day or two after the assassination. The damaging of the original, then, also must have occurred at that early date.

Then, where did the 'complete copies' come from, which 'everybody' had seen? The ambiguous wording of Mr. Hunt's statement would seem to suggest that a copy, or copies, were made by the Secret Service and the FBI before the original was allowed to become *Life's* 'private property.'

If that is the case, then the question must be asked: *Where are those copies?*

Liebeler tells us that the Warren Commission put the pictures into Vol. 18 'without noticing that four panels were missing.'

In other words, the set of color slides of the Zapruder film that is available to the public at the National Archives is a copy made of the original after it had been damaged at *Life's* laboratory. *It was deposited at the National Archives although the Secret Service and the FBI were in possession of an undamaged copy of the film containing the vitally important frames 208 through 211.*

The omission of these frames from the only copy available to the public is therefore voluntary and deliberate.

Why are we, the public, not allowed to see those frames?

The answer is self-evident: Because these pictures reveal something totally irreconcilable with the Warren Report — the fact that Kennedy was first hit while the foliage of the oak tree obstructed the line of sight for the sniper in the window of the TSBD.

As to *Life's* contention that those four frames were 'accidentally' destroyed, it is hardly worthy of comment. *Time*, Inc., one of America's richest publishing concerns employs only top-notch personnel and its laboratory facilities are among the best-equipped in the world.

Moreover, there is a precedent for deliberate fakery by *Life* in its pictorial presentation of the Kennedy murder. In *Oswald: Assassin or Fall Guy?* I had given a detailed account of how *Life*

had altered the contours of Oswald's rifle in that famous 'Oswald-with-rifle-and-pistol' picture which appeared on *Life's* cover of February 21, 1964. Subsequently, *Life* had to admit to the Warren Commission that the picture had been altered, but, the editors claimed, this was done 'inadvertently.'

The 'inadvertent' doctoring of the Oswald-with-rifle picture and the 'accidental' destruction of part of the Zapruder film at *Life's* laboratory tell the same story. They bespeak the same determination to convict Oswald at all costs without regard for the truth.

And the sad fact of the matter is that the Warren Commission connived at it all, in this instance as in scores of others where the truth had been blatantly perverted by the police, the FBI, the Secret Service and the press.

Worse still, the Commission itself contributed to this callous perversion of the truth. Witness this tell-tale story published in *The New York Times* of December 9, 1966 (European edition):

'New York, Dec. 8 - A critic of the Warren Commission contended yesterday that a key timing for the assassination of President Kennedy should have been reckoned at 3.5 seconds instead of 5 seconds. The contention evoked new, although mainly private, rebuttals.

'The critic, Harold Weisberg, argued that the shorter time would imply a second assassin to account for three shots in this key interval - or imply an earlier shot. The period of time at issue is the time in which the commission held, President Kennedy and Gov. John B. Connally, Jr., of Texas were both most probably wounded by Lee Harvey Oswald as a lone assassin.

'Mr. Weisberg offered his timing interpretation in his second book in the case, *Whitewash II*, which he published privately yesterday, and in an interview. The book reproduced a Federal Bureau of Investigation report of an interview with Mr. Zapruder who stated that the movie camera, which took films of the assassination, had been set to operate at 24 frames a second. This would be 30 per cent faster than the rate the FBI later used in its analyses - 18.3 frames a second.'

Four frames missing from the film: a 30 per cent decrease in the operating speed of the camera arbitrarily set by the investigators. What else could they have done to torture the testimony of what *Life* itself has called 'the only unimpeachable witness to the tragedy?'

All in the Bag

THERE could be no more convincing proof of the inherent falsity of the official version than the endless chain of police deviousness, ~~police deception~~, police mendacity and even outright police ~~skulduggery~~ that meets one at every turn of this unique 'investigation' involving the Crime of the Century.

Striking examples of this total lack of sincerity have already been presented in a number of other chapters. We shall shortly deal with a few more, and extremely revealing, instances.

If the investigators had felt sure from the start that they were on the right track; if they had really possessed even one unquestionable piece of evidence against Oswald; if, to put it bluntly, everything had been 'on the level,' none of all that legerdemain in dealing with the evidence and the witnesses would have been required.

Where there is so much wrong - conspicuously, demonstrably wrong - nothing can be right. The whole thing is really as simple as that.

Take, for example, the truly incredible case of The Bag Oswald is supposed to have used to carry his rifle, in disassembled form, into the Texas School Book Depository. Says the Warren Report:

'A handmade bag of wrapping paper and tape was found in the southeast corner of the sixth floor alongside the window from which the shots were fired (see Commission Exhibit No. 2707).

'It was not a standard type bag which could be obtained in a store and it was presumably made for a particular purpose. It was the appropriate size to contain, in disassembled form, Oswald's Mannlicher-Carcano rifle, serial No. C 2766, which was also found on the sixth floor. . . . The presence of the bag in this corner is cogent evidence that it was used as the container for the rifle. . . .'

The presence of this preposterous paragraph in the Warren

Report alone is, I submit, cogent evidence of a flagrant miscarriage of justice in the Oswald case.

There is, to begin with, the self-evident absurdity of saying that the bag was of the appropriate size to contain 'Oswald's Mannlicher-Carcano rifle, serial No. C 2766,' which is tantamount to stating that the bag in question could not possibly have held John Doe's Mannlicher-Carcano, serial No. B 7864. Had the Commission been content to say that the bag was of a size to contain 'a disassembled Mannlicher-Carcano rifle,' this portion of the paragraph would have been unexceptionable. Obviously, the seven sages here, as in so many other places, were carried away by their desire to impress Oswald's indubitable guilt on the public mind through a recital of countless details and thus plumped into self-made pitfalls of absurdity.)

As for the 'cogent evidence' itself, the first thing about it that is conspicuously wrong is that the incriminating bag should have been found at all where it was. If it was Oswald, the Warren Report points out elsewhere, he must have been planning his crime for at least two days. Is it even remotely conceivable that the prospective presidential assassin should have failed in his preparations to take the most elementary precautions against leaving behind 'cogent evidence'?

Would not the most reckless, or the most stupid, of assassins have removed, or at least concealed, the most tell-tale traces of his crime? If he had time and composure enough to go down to the cafeteria for a soft drink—as Oswald, according to the Warren Report did—would he not have been able to spare a few seconds to dispose of that incriminating bag, at least temporarily—just long enough to cover his getaway—by hiding it somewhere in the huge labyrinth of boxes and cartons that was the sixth floor storage room?

Yet Oswald, we are told, left not only the bag but also three expended shells right by the window and 'hid' his rifle nearby in such perfunctory manner that the cops couldn't avoid falling over it. What kind of sense does all this make?

The Warren Commission no doubt would again try to explain the inexplicable by pointing towards Oswald's desire to secure 'a place in history' for himself. In other words, we are to believe that a man first commits a spectacular crime in a manner so ostentatious and self-incriminatory as to ensure his immediate

identification and arrest because he wants to go down in history as a presidential assassin, yet, once captured, stubbornly denies his guilt and proclaims his innocence until his last breath. Could there be a more unacceptable contradiction than this official thesis?

The presence of the bag, in the location where it is supposed to have been found, is 'cogent evidence' indeed—evidence of the frame-up. After re-reading and trying to digest the disarmingly simplistic 'the presence of the bag in this corner is cogent evidence etc.,' one wonders if the Chief Justice of the United States, in his long and distinguished legal career, ever has come across such a thing as *planted* evidence? Is Earl Warren really so naïve as this statement indicates? Would he really *as a judge*, take at face value evidence presented by a prosecutor that is so pat, so neatly wrapped up, so easily come by? Would he allow such 'cogent evidence' to be the basis of a verdict by the Supreme Court over which he presides? If so, God help us all.

Why, if Oswald's visiting card had been attached to the bag, the evidence in the case couldn't have been more 'cogent' than it was taken to be by the Warren Commission. I'm not being facetious either, for, believe it or not, they also found Oswald's finger- and palm-prints on that bag so conveniently dropped right at the scene of the crime. Just the calling card was missing, that's all.

Could there be a layout more clearly indicative of an elaborate plan to incriminate Oswald by scattering clues and planting evidence against him? How could the Warren Commission, with their large staff of trained investigators and lawyers, allow themselves to be taken in by such a conspicuous fraud?

Nor is that all—far from it. What happened to that *prima facie* piece of evidence, The Bag, before the FBI and the Warren Commission were through with it, reads like a textbook article on 'How to Get Away with Judicial Murder.' It simply baffles the imagination.

'On December 1, 1963, a replica bag was made from materials found on that date in the shipping room (of the TSBD)' the Warren Report innocently relates. 'This was done as an *investigatory aid* since the *original bag had been discolored* during various laboratory examinations and *could not be used for valid identification by witnesses*. . . .' (Italics added—J. J.)

What this means has been stated as accurately as bluntly by Professor Trevor-Roper in his critique of the Warren Report in the *Sunday Times* of December 13, 1964:

'In other words, the police destroyed the real evidence and substituted their own fabrication.'

In rebuttal, Trevor-Roper's critics in both the *Sunday Times* and *The Observer* have insisted that the original bag had not been destroyed, but was still in existence. Commission Exhibit 626, on which one dimly perceives the contours of a piece of paper with tapes attached, is cited as evidence.

Actually, it matters little whether the original bag has been 'destroyed' or not. What matters is (a) that the witnesses who had seen Oswald carrying the bag, were confronted with a 'replica' which may or may not have been an indistinguishable duplicate of the original. We have only the word of the FBI—which manufactured it—for it, and that much-touted agency has been guilty of so many dubious procedures in the case that it deserves no blind trust whatsoever. And (b) that no independent person or authority—other than the Warren Commission, whose judgment is at issue here—has been allowed to set eye on the 'discolored' original bag. It may be still in existence, but then it has been consigned, along with all the other evidence, true or false, which the Commission has examined, to the dark limbo of the National Archives where it is to be secluded from view for seventy-five years. If the bag had been dissolved in acid, it could not have been destroyed more thoroughly for practical purposes.

The whole thing is typical of the determined manner in which the facts have been manipulated to fit the case against Oswald. All too many 'investigatory aids' of highly questionable authenticity have been used to convict a defenceless defendant.

What makes the question of the substituted 'replica' bag all the more important is the fact that the only two eyewitnesses who actually saw Oswald carrying such a bag on his way to his place of work, the morning of November 22, both described it as too short to contain the disassembled rifle. The Warren Report says on this score:

'In deciding whether Oswald carried the assassination weapon in the bag which Frazier and Mrs. Randle saw, the Commission has carefully considered the testimony of these two witnesses with regard to the length of the bag. Frazier and Mrs. Randle

testified that the bag which Oswald was carrying was approximately 27 or 28 inches long, whereas the wooden stock of the rifle, which is its largest component, measured 34.8 inches. *The bag found on the sixth floor was 38 inches long* (see Commission Exhibit No. 1304).'

The question immediately arises: which bag was thirty-eight inches long? The one that was actually found on the sixth floor, with Oswald's finger- and palm-prints on it, or the one manufactured by the FBI as a 'replica'?

The importance of this question is evident the moment one considers the possibility that conspirators who were out to pin on Lee H. Oswald the blame for the crime they were about to commit somehow were able to get hold of the bag he had taken along with him—he may have left it in an unguarded place in the vast building—and then had placed it near the window on the sixth floor from which the shots—or some of them—were fired. In doing so, they may have miscalculated the length of the rifle stock the bag was supposed to have held. In this connection, the matter of the 'rifle switch' also assumes new significance, for the Mauser is a few inches longer than the Carcano and the weapon found on the sixth floor had first been identified as a Mauser (cf. Chapter 16 and the Weitzman affidavit). Then, after the mistake had been discovered, it may have been corrected with the aid of a 'replica' to which a few inches had been added by the ever helpful FBI.

Anyway, the Report informs us that what the witnesses—Mr. Frazier and his sister, Mrs. Randle—were shown by the investigators for identification purposes was the replica bag, not the original, and this replica was thirty-eight inches long. That much is official. Now let's see how the only two eyewitnesses concerned with this aspect of the case reacted to the replica bag:

'When Frazier appeared before the Commission and was asked to demonstrate how Oswald carried the package, he said: "Like I said, I remember that I didn't look at the package very much . . . [dots in the Warren Report—J. J.] but when I did look at it he did have his hands on the package like that," and at this point Frazier placed the upper part of the package under his armpit and attempted to cup his right hand beneath the bottom of the bag. The disassembled rifle was too long to be carried in

this manner. Similarly when the butt of the rifle was placed in Frazier's hand, it extended above his shoulder to ear level.'

Now, this demonstration alone, ordered by and carried out before the Commission, would have satisfied any 'fact-finding agency' worthy of the name, let alone a judge and jury, that the bag Oswald had been carrying that day did not contain a rifle, as charged, but did in fact contain curtain rods, as he himself had claimed. The Warren Commission, however, far from accepting the facts established by itself, proclaimed the contrary of the evidence before it to be the truth of the matter! It did so in spite of the fact that Frazier, on two different occasions, and using two different yardsticks to substantiate his estimate of the length of the bag, stated unmistakably that it hadn't been thirty-eight inches long, or anywhere near it.

For, according to the Warren Report, 'Moreover, in an interview on December 1, 1963, with agents of the FBI, Frazier had marked the point on the back seat of his car which he believed was where the bag reached when it was laid on the seat with one edge against the door. The distance between the point on the seat and the door was 27 inches.'

There you have it: two official demonstrations, with identical results: the bag Frazier saw at close quarters and carried in his car cannot have measured more than twenty-seven inches, as against the thirty-eight inches of the bag found on the premises, or its substitute. And, there was substantial corroboration from the other witness, too:

'Mrs. Randle said, when shown the paper bag, that the bag she saw Oswald carrying "wasn't that long, I mean it was folded down at the top as I told you. *It definitely wasn't that long.*" [Italics added - J. J.] And she folded the bag to a length of about 28½ inches.'

Nor is that all. Not only was there a discrepancy in length, but the widths were different, too, according to the principal witness: 'Frazier doubted whether the bag that Oswald carried was as wide as the bag found on the sixth floor, although Mrs. Randle testified that the width was approximately the same.'

Note the 'approximately' and remember that Mrs. Randle was watching Oswald from a distance, as he and her brother left for work on the morning of November 22, while young Frazier was in a position to get a good look at close quarters. *He* 'estimated

that the bag was two feet long "give and take a few inches," and about 5 or 6 inches wide' the Report informs us (in a different place). The bag found at the assassination scene, or its replica, was about eight inches wide - quite a difference! It had to be that wide to hold the rifle.

In the face of this cumulative and corroborative evidence to the effect that the two bags were *not* identical, the Warren Commission unbelievably concluded that they were! The Report blandly declares:

'The Commission has weighed the visual recollection of Frazier and Mrs. Randle against the evidence here presented that the bag Oswald carried contained the assassination weapon and has concluded that Frazier and Randle are mistaken as to the length of the bag. . . .'

This really takes one's breath away. Note the word 'weighed' - not just 'considered' or some other weak term like that. No, the Commission has weighed, holding the famous scales of Justice before the reader's eyes. In one scale there lies the evidence presented by the only two witness the Commission has to link Oswald to a paper bag that might conceivably have contained the assassination weapon. In the other scale, what have we? Nothing!

Indeed, the Commission here again indulges in one of those fantastic pseudo-legalistic sleights of hand worthy of a prestidigitator or a shyster, but totally unworthy of a presidential commission under the chairmanship of the Chief Justice of the United States. The 'evidence' it has, or believes it has, presented, merely links the bag found at the assassination scene or rather its FBI-manufactured 'replica,' and the murder weapon, and even that is questionable. There is no direct link to Oswald, apart from the allegation that his fingerprints were on a bag, one that was not even shown to the witnesses. Where is the 'counter-weight' to the very definite weight of the above-cited eyewitness observations?

For, it is not just a question of fingerprints on the bag. The Commission specifically concludes that Oswald, that morning, carried the disassembled rifle in the bag which he took along to work in Frazier's car. It thus concludes, though it has no shred of evidence and is confronted with the explicit counter-evidence presented by two eyewitnesses!

Nor have we come to the end of this weird bag story yet. For, in another paragraph, we learn that 'when Oswald entered the rear door of the Depository Building, he was about 50 feet ahead of Frazier. . . . When Frazier entered the building, he did not see Oswald. One employee, Jack Dougherty, believed that he saw Oswald coming to work, *but he does not remember that Oswald had anything in his hands as he entered the door*. No other employee has been found who saw Oswald enter that morning.'

So there you have it. One man saw Oswald enter the building that morning and he did not see him carrying a package at all. This is evidence. And the counter-evidence? Again, zero. Nobody saw Oswald take a package long or short, narrow or wide, light or heavy, *into the building*, which is of course the crucial point. Yet the Commission concluded that he did.

That's quite a bagful, really.

Neither Motive Nor Opportunity

THE two key questions in any honest criminal investigation are:

Did the suspect have a motive to commit the crime? and
Did he have the opportunity for committing it?

The Warren Commission has failed conspicuously to detect any kind of plausible motive for Lee H. Oswald's alleged murder of President Kennedy. In lieu of a credible motive, the Commission dishes up a lot of pseudo-psychological double-talk: '. . . For a motive that appears incomprehensible to other men may be the moving force of a man whose view of the world has been twisted. . . .'

We are asked to believe that Lee H. Oswald, a very cool customer as his whole record shows, not overly bright but quite collected and down-to-earth, suddenly was impelled, for no particular reason, by an irresistible urge to kill the President of the United States.

Did he hate Kennedy so much? The record shows, on the contrary, that Oswald actually was a *Kennedy fan*. The testimony by one of his closest acquaintances, George de Mohrenschildt, cited elsewhere in this book, is quite explicit on this point. Marina, too, for all her eagerness to help crucify her dead husband, has stated that Lee Harvey never spoke ill of Kennedy or in any way expressed hostility towards him.

The mere fact that there is no conceivable, much less a demonstrable, reason why Oswald should have wanted to take President Kennedy's life should have impelled the Commission to start looking around for other possible suspects. There was no dearth of them: people and organizations with obvious, even compelling motives for wanting to do away with an (in their view) all-too-liberal, too-little-belligerent President, a Chief Executive bent on taking away their tax privileges, one set on cleaning house in both national intelligence services and in a scandal-ridden Administration, or one who was simply in the

way—lots of them. The simple question 'Cui bono?', as old as jurisprudence itself, would have led the Commission the right way. They shrank away from it, as though it were the plague, for understandable but by no means commendable reasons.

If the lack of motive in the Oswald story has been widely recognized as a serious defect of the Warren Report findings—not that the fervent believers were overly disturbed by this trifle—it is not generally realized that Oswald had no opportunity either for killing the President. *The reason quite simply is that it was much too big a job for a one-man performance.* The Warren Commission carefully sidestepped this crucial issue which warrants the fullest discussion.

It is one thing for a violent individual, aroused to white rage by the sight of a hated office-holder, to dash forward from a crowd, brandishing a knife or whipping out a hidden pistol. Psychopaths thus do act on impulse and then are usually arrested or killed on the spot. So are authentic heroes who bravely sacrifice their lives for a cause and who proclaim in dying that they have done their duty.

It is something altogether different to conceive a plan, several days ahead of the prospective victim's arrival in town, for killing him in an ambush that requires elaborate preparations and precautions.

Why, a whole family of Oswalds could not have carried out the assassination of November 22, 1963, for the very simple and very good reason that such an ambush could not possibly have succeeded *without somebody in charge of security looking the other way* at the critical moment and somebody else acting as a lookout to espy the approach of potential interlopers.

All one really has to do in order to realize the absolute impossibility for Oswald, acting alone, to have conceived, much less carried out, the assassination, is to consider the layout of the sixth floor of the Texas School Book Depository.

We have before us an enormously large storage room, extending the whole length and width of the building, about ninety feet square. Moreover, this room is as hard to survey as a dense forest, for it is filled from end to end with book cases stacked in places eight feet or more high.

There are three different means of access to it: two freight elevators and an L-shaped stairway.

Now imagine Lee H. Oswald, all by himself, plotting an ambush to be executed from the south-east corner of that vast hall, an ambush which involved the building of a sniper's nest by stacking rows of book cases near the window, and also the assembling of a disassembled rifle.

How could he possibly find an answer to the ever-present and overwhelming problem:

What do I do, if—?

If somebody rides up in one elevator, or the other?

Or just walks up the stairway?

Or has been hiding behind a row of cartons and suddenly dashes forward?

The very least, then, Oswald would have needed to have a fighting chance of success, would have been a competent *look-out*, or even two. But the Commission is quite certain that Oswald had no accomplices and it therefore credits him, implicitly, with the fantastic performance of keeping an eye on two elevators and a stairway from a distance of about ninety feet, across and around man-high stacks of boxes, while busily lugging boxes to the window, putting his rifle together and watching the arrival of the motorcade. Superman couldn't have done it—and Oswald was far from being a superman.

One may take it for granted that there was a lookout on the scene, probably more than one, but they weren't spying for Oswald. As a matter of fact, one of their primary duties, in all likelihood, was to make sure that the real Oswald wouldn't show up on the sixth floor, by happenstance, and start wondering what a person resembling him was doing with a rifle just like his own at a window strategically overlooking the motorcade route.

Had Oswald really been the sniper, he would have had to contend in particular, and all by himself, with two types of unpleasant interferences most likely to occur.

For one thing, the Secret Service was in town, as just about everybody in Dallas knew by that time and it is not exactly a secret either that the primary responsibility of these 'quiet-spoken, raincoat-wearing' G-men is to guard the President, not just by shielding him with their bodies in an actual emergency, but also by ferreting out potential assassins in advance.

How could Oswald know, how could he even dare imagine

that in this particular instance the vaunted G-men would fall flat on both these responsibilities? And, that there would be no FBI agents around either?

No less an authority in the matter than U. E. Baugham, chief of the Secret Service for thirteen years, until his retirement in the summer of 1961, has stated publicly that it was a 'basic, established rule' for the protection of the Chief Executive to keep people out of the upper stories of all buildings along the path of a presidential motorcade. Since the Service itself would not have enough manpower to place a man on every floor in downtown buildings, and the local police might not have enough men for that purpose either, "building managers have to be instructed, in no uncertain terms, to bar unauthorized movements in key buildings during Presidential motorcades" (*New York World Telegram*, December 11, 1963).

This is a matter of course, really. Under normal circumstances, a tall building with wide fronts commanding strategically a presidential motorcade route, indeed an ideal ambush building, would have been swarming with cops, FBI men and Secret Service agents or at the very least with trusted employees, under instructions from the building manager to help with these police functions.

How could Oswald, plotting the assassination, as the Commission says he did for at least two days, have an inkling that on this particular occasion all normal precautions would be off?

Again, how could Oswald know, how could he guess, how could he even hope for that chance in a million, that the 'missing link' so 'tragically' left open by those watchful and efficient Secret Service men — as the press has put it — would be precisely his conspicuously risky 'ambush building chosen with care'?

The Commission never bothered to ask that imperative question, nor did it bother to inquire into the reasons why there was such a missing link. It gave the Secret Service and the FBI a mild slap on the wrist for insufficient 'preventive intelligence research,' but did not see fit to call those responsible on the carpet and throw into their faces the unrelenting question:

Why did you leave that building unguarded? Why did you not take even the minimum precautions stipulated by the

'basic, established rules' of your Service, by instructing the manager of the Texas School Book Depository 'in no uncertain terms' to keep unauthorized persons away from the upper stories of that building?

The Commission did not ask those questions because it was afraid of where such a hard-hitting investigation would lead. It accepted the explanation of 'negligence' and found it to be a lenient offence in the case, nothing to make a big fuss about really. As Louis Nizer, grand apologist of the Warren Report, put it:

'Had proper precautions been taken to guard any empty or partially empty building, such as a warehouse, situated on the Presidential Route, Oswald would have been apprehended and the customary small item would have appeared in the press, "man with gun arrested near Presidential motorcade."'

Again, what really matters is not why no proper precautions were taken, but the incontrovertible fact that Oswald had to count on their not being taken, and that this consideration alone would have deterred him from single-handedly undertaking as large, complex and riskful an enterprise as the assassination of the President of the United States.

Indeed, the absolute prerequisite for success in such an ambush would be not only the availability of a lookout, for he would not be able to keep a determined G-man away, but also of accomplices powerful enough to make the guardians of the President, i.e. the Secret Service, the FBI officers stationed in the area, *look the other way* — as indeed they all did.

Oswald, alone and unaided, not only had to reckon every moment with the possibility, nay the probability, even the near-certainty, of a law enforcement officer suddenly appearing on the scene, but he was also faced with likely interference from other quarters.

For, the Warren Report has revealed for the first time what the Dallas police and the FBI until then had kept a closely guarded secret, to wit, that there was plenty of movement and activity on that sixth floor on the very morning Oswald is supposed to have built his sniper's nest there.

In this connection, it is worthy of note that the authorities, at the time, tried to create the impression that the sixth floor was a near-deserted place where the prospective killer could

have holed up for a long time and gone about his deadly preparations without anybody taking notice.

Wide publicity was given in the press, the day after the assassination, to a statement made to this effect by Jack C. Cason, president of the Depository. Here is what the *Dallas Morning News* (which has been the principal fountainhead of slanted news for the other paper in the Kennedy assassination drama) reported on November 23, 1963:

'President Kennedy's killer could have been holed up in that six-story hideaway for as long as four days without anybody bothering him, the president of the Texas School Book Depository said Friday night. . . . Jack C. Cason, president of the Depository, said the sixth floor was used solely, as a 'dead storage' area. . . . Cason, who left the scene about 30 minutes before the President's caravan rode down Main Street, a block away, said the firm often had had difficulty in finding employees who had fallen asleep amidst the stack of books. "Sometimes it will be three or four days without anybody going up to the sixth floor to get anything," Cason said. . . .'

Thus, in the hours after the tragedy, the impression was created and spread that the sixth floor was a remote, abandoned, even sleepy place where Oswald had plenty of time and opportunity to make adequate preparations for his foul deed.

Now, however, we know that this was a completely false picture, for the Warren Report informs us that a floor-laying crew of some twelve people had been at work on the sixth floor, for several days prior to November 22, 1963. Indeed, on that very day, according to the Report, 'at about 11:45 a.m. the floor-laying crew used both elevators to come down from the sixth floor. . . .'

This means, of course, that Oswald, in plotting his crime, as the Commission assumes, not only had to reckon in advance that there would be plenty of hustle and bustle in his 'hide-away' on the fateful day, but that on that fateful day he could not have started even minimum preparations until lunch time, i.e. about noon. Indeed, one man came back at 11:50.

Nor is that all, for the Report also reveals that another man actually lingered on the sixth floor for another thirty minutes or so, thereby cutting Oswald's preparation time to about ten minutes. Before we go into the details of all the activities Oswald

would have had to cram into those ten minutes, a few words are in order about this laggard, a young Negro named Bonnie Ray Williams.

According to the Warren Report, 'Bonnie Ray Williams, who was also working with the floor-laying crew, returned to the sixth floor about noon to eat his lunch and watch the motorcade. He looked out on Elm Street from a position in the area in the *third or fourth* set of windows from the east wall. At this point he was *approximately 20-30 feet* away from the southeast window corner. He remained for about 5, 10, maybe 12 minutes eating his lunch which consisted of chicken and a bottle of soda pop. *Williams saw no one on the sixth floor*, although the stacks of books prevented his seeing the east side of the building. After finishing his lunch Williams took the elevator down *because no one had joined him on the sixth floor to watch the motorcade*. . . . Williams left the remains of his lunch, including chicken bones and a bottle of soda, *near the window where he was eating*.' (Italics added - J. J.)

We have been told, then, that Williams was 'looking for company' and that, bored, because 'no one had joined him on the sixth floor' he eventually went down to the fifth. This means that Bonnie Ray was alert to signs of life and activity on the sixth floor. Even if the 'stacks of books prevented his seeing the east side of the building' (where, at the south-east window Oswald is supposed to have been at that time, getting ready for his sniping), he could not possibly have missed the sounds of a man shuffling across the floor with a heavy carton in his arms and assembling a rifle at a spot only 20-30 feet away. For there were no partitions between him and Oswald, only stacks of books which did not even reach the ceiling (Exhibit No. 723).

In this context, the question of exactly where Williams ate and left the remains of his lunch, assumes great significance. The Report is (purposely) vague on this subject. It states that he was 'in the area of the third or fourth set of windows' and that he was 'approximately 20-30 feet away' from the sniper's hideout at the south-east corner window.

In the absence of a specific denial or correction by the Commission, it must be permitted to fix the exact location in accordance with the statements made by the police after the assassination. These were not vague at all. What Police Chief

CASON
WHO WAS THIS
FLOOR-LAYING
CREW - WILLIAMS

HE WAS
SCARED

Curry, Captain Fritz and District Attorney Wade not only told the press, but showed the nation on television, that afternoon, will remain for ever graphically embedded in that great best seller *Four Days*: 'A lunch bag and a pop bottle, held here by a Dallas police technician, and three spent shell casings were found by the sixth floor window. The sniper had dined on fried chicken and pop while waiting patiently to shoot the President.'

Moreover, a 'Floor Plan of Assassin's Hideout' which appeared in the *Dallas Morning News* of November 23, 1963, marked with an 'x' the spot where the coke bottle had been found by the police. That spot is close to the second not the third or fourth window, counting from the south-east corner. And, of course, the cartridge cases were found 'on the floor near the window,' as the Warren Report explicitly states.

If the Warren Commission really had wanted to come anywhere near shouting distance of the truth, it would have done well to grill Bonnie Ray Williams thoroughly – more thoroughly than almost any other witness. For, by his actions, and even more by his omissions, the young Negro (who on account of his colour and social status may well have been forced to become a tool for powerful conspiratorial forces) arouses legitimate suspicions.

Williams's most obvious wrong is that he kept silent about having been the one who ate the chicken and drank the bottle that had originally been attributed to Oswald. The Dallas authorities at first made such a big to do about this and the press gave the story such wide publicity that it is impossible to assume Williams might not have known about it.

Why didn't he come forward immediately and say: you're wrong, it was I, not Oswald, who lunched on the sixth floor and left these remains behind?

This silence, self-incriminating under the circumstances, puts him into the same category as Mrs. Ruth Paine, who similarly kept mum about the 'assassination map' swindle. There is a difference in Williams's favour, though: as a Negro and manual labourer he was far more exposed to pressure, much less of a free agent in his sayings and doings.

At all events, the fact that Williams did not speak up on this issue at a time when such candour would have greatly benefited Oswald's cause (and, by the same token, shaken public confi-

dence in the Dallas authorities) should have given pause to the Warren Commission.

Nor is Williams's untoward silence about the chicken remains and the pop bottle the only sign of possible complicity with the conspirators. His continued presence, apparently all by himself, on the sixth floor, after all his fellow-workers had left, strongly suggests that he may have been acting as a lookout – but certainly not for Oswald. His explanation for going down to the fifth floor is not convincing either. Does one need company when watching a parade?

His testimony before the Warren Commission, such as it appears in the Report, sounds very much like it had been coached and rehearsed. And it contains some palpable contradictions. For instance, Williams has testified that he 'really did not pay any attention' to the first shot, 'because I did not know what was happening.' Yet a few paragraphs later one reads that he clearly heard his fellow-worker Harold Norman, who was sitting next to him on the fifth floor, saying 'I can even hear the shell being ejected from the gun hitting the floor.'

(*A propos*, would a Negro worker use a word like 'eject'?)

One thing is clear from Williams's testimony: while the first shot did not register, the others did, with a vengeance. Listen to him:

'The second shot, it sounded like it was right in the building, the second and third shot. And it sounded – it even shook the building, the side we were on. Cement fell on my head.'

'Q. "You say cement fell on your head?"'

'A. "Cement gravel, dirt or something, from the old building, because it shook the windows and everything. Harold was sitting next to me, and he said it came right from over our heads". . .'

If that is so, if the blasts from that rifle were so loud that they shook the old building and even sent 'cement, gravel dirt or something' raining down on Williams's head, then why did he hear only the second and the third, but not the first?

Is this not further proof that the first shot, for one, did not come from the Book Depository at all, but was fired from a different direction?

Ten Minutes to Zero

IN his 'Review of the Warren Report,' Louis Nizer, a great believer in the official catch-all explanation that the Kennedy tragedy was just 'the result of a series of coincidences, each extremely remote, occurring at the same time,' cites this instance:

'An employee, Bonnie Ray Williams, ate lunch on the sixth floor by himself; he went to the fifth floor at 12:20 to find some friends to watch the parade. Had he tarried 10 more minutes, or decided to watch from the sixth floor window, Oswald would probably have slunk away, since the occasion would have been inopportune for his effort. . . .'

Oswald 'slinking away,' a disappointed and frustrated presidential assassin, because the foreseeable has happened and one of a dozen people who had been working on the sixth floor, who had even eaten his lunch there, decides, quite naturally, to stay there and watch the parade from the highest, and therefore best, vantage point (why shouldn't he?—the Secret Police didn't mind). Here we are again in wonderland, or in the kindergarten.

Oswald had been a Marine for about three years. Is it presumptuous to assume that the Marine Corps teaches its recruits, besides the art of killing, also the art of survival? May we presume, without indulging in speculation and rumour-mongering, that Oswald, when he made his plans for shooting at the President from his high perch, anticipates a few possible contretemps such as somebody from the floor-laying crew lingering on to view the parade? Why did they all go down to the fifth? Just looking for company, really?

His whole record shows that Oswald was not a hare-brained dare-devil who would recklessly gamble his life on a highly improbable stroke of good luck (that neither a cop nor a fellow-worker would show up at the inopportune moment) and then, when it happened, 'slink away,' defeated.

Coincidence

Anyway, Bonnie Ray Williams was there, right with him on the sixth floor, supposing for the sake of argument that Oswald was the sniper, as the Commission says. And Williams actually hung around until about 12:20, thus leaving Oswald a scant ten minutes not only to get into the act, but to perform miracles of preparation.

To be sure, he didn't have to build his sniper's nest from scratch. Providence had already taken care of the spadework. Says the Report (without anybody on the Commission batting an eyelash):

'Cartons had been stacked on the floor, a few feet behind the window, thus shielding Oswald from the view of anyone on the sixth floor who did not attempt to get behind them (see Commission Exhibit No. 723). *Most of these cartons had been moved there by other employees to clear an area for laying a new flooring on the west end of the sixth floor.*' (Italics mine—J. J.)

Just one more of those little coincidences, you see. A crew of workers has to clear an area *on the west end* for laying in a new flooring. A number of boxes have to be carted away for that purpose. So where would the crew take them, but all the way across the huge room, a distance of eighty to ninety feet, to the south-east corner. And what would they do with those boxes, but pile them up like walls around a window wherefrom a few minutes later the President will be shot upon.

Nothing to it, really, just a coincidence. *Honi soit qui mal y pense*. Nothing to worry a presidential commission.

And Oswald? How could he know in advance, when he took his rifle to the Book Depository that morning, that a floor-laying crew would conveniently pile up for him, near the window most suited for the shooting, a high protective screen behind which to assemble a rifle and make other preparations for the ambush, unobserved!

The answer is self-evident. Oswald could not, and did not. But somebody else knew: the real assassin (or one of them, anyway) who at about 12:20, when the coast was clear, stepped out of the shadows somewhere (perhaps he had been hiding in some executive's office) to take his place by the window, safe in the assurance that there was enough official complicity behind the plot to guarantee his freedom from arrest and prosecu-

tion (though, not perhaps his immunity from death at the hands of a fellow-conspirator).

Oswald normally worked on the second floor but sometimes his work took him to all the different floors (Appendix XI). Obviously, he could not have planned the assassination from his usual place of work, the second floor. He had to move upstairs for that purpose, the higher the better. Did he consider any other floor beside the sixth (the fourth, the fifth?) in case he happened to find out, at the last minute, that there were other people on the sixth floor when the motorcade passed by? Would it have been materially possible for him (ballistic angle, etc.) to accomplish the assassination, say, from a fifth-floor window?

The Warren Commission never even raised, much less answered, these questions. Yet, if Oswald had been the lone, unaided sniper in the sixth-floor window, he could not have escaped the problem of how to make sure that he wasn't going to be observed at the critical moment. He had the run of the building, and so had others. Oswald most assuredly would not have been in a position to shut out any possible intruders from the sixth floor. Where was Oswald, what was he doing in the last half-hour or so before the assassination? We now know the story he himself told the police when they questioned him. Captain J. W. Fritz, in his report to the Warren Commission, stated: 'In talking with him further about his location at the time the President was killed, he said he ate lunch with some of the colored boys who worked with him. One of them was called "Junior" and the other one was a little short man whose name he did not know. He said he had a cheese sandwich and some fruit and that was the only package he had brought with him to work. . . .'

The FBI report that follows Capt. Fritz's statement has this to say on the same score: 'Oswald stated that he went to lunch at approximately noon and he claimed he went to the second floor in the lunchroom; however he went to the second floor where the Coca-Cola machine was located and obtained a bottle of Coca-Cola for his lunch. Oswald claimed to be on the first floor when President John F. Kennedy passed this building.'

The police didn't believe Oswald; neither did the Warren Commission. In Chapter IV, subhead 'Statements of Oswald During Detention,' the Warren Report says: 'The only employee at the Depository Building named "Junior" was James Jarman, Jr. Jarman testified that he ate his lunch on the first floor around 5 minutes to 12, and that he neither ate lunch with nor saw Oswald.'

This denial, incidentally, does not refute Oswald's story, for Jarman, the Report relates elsewhere, went up to the fifth floor after finishing his lunch so that Oswald could very well have been on the first at the time he said, i.e. shortly before 12:30.

Besides, the first floor is just as big a place as the sixth, so that Oswald's presence there may very well have escaped Jarman's notice.

One also wonders why the Warren Commission, in the same context, puts this bit of evidence in the record:

'Jarman did talk to Oswald that morning:

' . . . he asked me what were the people gathering around on the corner for and I told him that the President was supposed to pass that morning, and he asked me did I know which way he was coming, and I told him, yes, he probably come down Main and turn on Houston and then back again on Elm. Then he said, "Oh, I see." and that was all.'

If this statement is true, Oswald didn't even know the President was coming, much less from where he would come; if it is not true, then Jarman's denial that he either ate lunch with or saw Oswald on the first floor is also invalidated.

Anyway, the Commission found that Oswald was on the sixth floor at the time of the assassination. It cites in Chapters IV (section 'Oswald's Presence on Sixth Floor Approximately 35 Minutes before the Assassination') and VI ('Accomplices at the Scene of the assassination') the testimony of a member of the floor-laying crew, Charles Givens, who 'saw Oswald walking away from the southeast corner, but saw no one else on the sixth floor at that time.' This was at approximately 11:55 and Givens, according to the Commission, was 'the last known employee to see Oswald inside the building prior to the assassination.'

Givens, we have learned, saw no one else on the sixth floor at 11:55. Before long, however, somebody joined Oswald on

that floor. In Chapter III, section 'On the Fifth Floor,' the Report states:

'Meanwhile, Williams Bonnie Ray Williams [a member of the floor-laying crew—J. J.] had gone up to the sixth floor where he had been working and ate his lunch on the south side on that floor. *Since he saw no one around* when he finished his lunch, he started down on the east elevator, *looking for company*. He left behind his paper lunch sack, chicken bones and an empty pop bottle. Williams went down to the fifth floor, where he joined Norman and Jarman *at approximately 12:20 p.m.*' (Italics added—J. J.) Elsewhere (Chapter VI, subhead 'Accomplices, etc.') the Report tells a somewhat different story about the same man and his actions (cf. the preceding chapter).

All this adds up to one certainty: Oswald's preparations for setting up his sniper's nest cannot have begun until after Bonnie Ray Williams had departed from the sixth floor. The fact that Williams joined his fellow-employees on the fifth floor at 12:20 (and remember, he was looking for company, not just idling around) suggests that in his '5, 10, maybe 12 minutes' estimate the latter figure was the rock bottom minimum.

Anyway, it cannot have been until about 12:20 that the coast was clear on the sixth floor. In the maximum time span of ten minutes available to him, Oswald, then, is supposed to have done all of the following:

First—he had to build his sniper's nest such as it was found—and photographed—after the assassination. That meant, to begin with, lugging a lot of boxes over some considerable distances. For, according to the Warren Report, this was the setup:

'Below the southeast corner window on the sixth floor was a large carton of books measuring approximately 18 by 12 by 14 inches *which had been moved from a stack along the south wall*. Atop this carton was a small carton marked "Rolling Readers," measuring approximately 13, by 9 by 8 inches. In front of this small carton and resting partially on the window sill was another small "Rolling Readers" carton. These two small cartons had been *moved from a stack about three aisles away*. The boxes in the window appeared to have been arranged as a convenient gun rest (See Commission Exhibit No. 1301). Behind these boxes was another carton placed on the floor on

which a man sitting could look southwesterly down Elm Street over the top of the "Rolling Readers" cartons. . . . (Chapter IV, section 'Oswald at the Window').

In examining the question whether Oswald might have had accomplices at the scene of the assassination (Chapter VI), the Report states: 'The arrangement of the three boxes in the window and the one on which the assassin *may* have sat has been described previously. Two of these four boxes weighing approximately 55 pounds each, had been moved by the floor-laying crew from the west side of the floor to the area near the southwest corner. The carton on which the assassin *may* have sat *might* not even have been moved by the assassin at all. A photograph of the scene depicts this carton on the floor alongside other similar cartons (See Commission Exhibit No. 1301) Oswald's right palmprint on this carton *may* have been placed there as he was sitting on the carton rather than while *carrying* it. *In any event both of these 55-pound cartons could have been carried by one man*. The remaining two cartons contained light block-like reading aids called "Rolling Readers" weighing only about 8 pounds each. Although they had been moved approximately 40 feet from their normal locations at the southeast corner window, *it would appear* that one man could have done this in a matter of seconds.'

Here the august panel is really getting into deep water and is aware of it, too. That's why the Commission in this (and a few other) place adopts such a cagey, cautious tone instead of the pontifical one it normally uses. The three 'mays' one 'might' and 'it would appear' indicate clearly that the Commission here isn't too sure of itself. It has ample grounds for feeling unsure, for this paragraph alone shows that Oswald could not have killed Kennedy.

Oswald, then, started building his sniper's nest at 12:20 give or take a minute or even two. He has to lug at least one, more likely two, heavy cartons from the 'area near the southwest corner,' where they had been left by the floor-laying crew, to his sniper's hideout near the south-east corner window—a distance of eighty to one hundred feet!

Yes, sir, that's what the Warren Report says: those two heavy boxes had been moved by the floor-laying crew from the west side to the area near the south-west corner, i.e. all the

TIME IS
WASTED

way across the building from the south-east window from where the shots were fired.

Could this be a typographical mistake? Then the Commission would be guilty of very poor checking before issuing an 'historic document' of paramount importance.

Even supposing it was a typographical mistake and the Commission really meant to say that those big boxes were standing in the area of the south-east window, Oswald still would have to carry them, one by one, from there to the window. For a man of his size and frame (140 to 150 pounds), carrying a fifty-five-pound carton of large dimensions cannot have been an easy or quick operation. It must have taken him quite a few minutes to move those two heavy boxes around. That is the reason, of course, the Commission suggests that the box he *sat on* might not even have been moved by the assassin at all. That would save time, to be sure. But the Commission had no more right to take for granted what it cannot prove than we 'sensationalists' have a right to do so. If the panel was in doubt on this issue – and the very language it uses shows that it was – then it would have been its duty, at this point as well as in many other respects, to start exploring theories other than that Oswald was the lone assassin.

In addition to moving one, and possibly two, heavy cartons around, Oswald had to get two eight-pound 'Rolling Readers' cartons from a point forty feet (three aisles) away. Even if he carried them one atop the other, he could hardly have covered that distance 'in a matter of seconds' without sprinting. If he was running – or if he made any noise shuffling about with the heavy cartons, for that matter – he would have been heard by Jarman and Norman who at that time were already installed at the fifth floor window directly below the sniper's nest.

Indeed, in Chapter III ('On the Fifth Floor'), the Warren Report relates in detail how the three Negro workers assembled there at the time of the shooting could hear distinctly not only the three empty cartridges hitting the floor just above their heads, but even 'the ejecting of the rifle'. Yet none of them heard Oswald, a few minutes earlier, lugging heavy cartons about and running forty feet with two cartons in his arms. If they did, they failed to tell the Commission. Or the Commission failed to put it in the record.

The overriding significance of all this lies in the impossible time span of ten minutes for building the sniper's nest – and assembling the rifle. The Warren Commission makes it quite clear that Oswald, in its opinion, carried a rifle into the TSBD Building, and later took it up to the sixth floor in disassembled form. In Chapter IV ('Location of the Bag') the Report is specific: 'A handmade bag of wrapping paper and tape was found in the southeast corner of the sixth floor alongside the window from which the shots were fired (See Commission Exhibit No. 2707). It was not a standard type bag which could be obtained in a store and it was presumably made for a particular purpose. It was the appropriate size to contain in disassembled form, Oswald's Mannlicher-Carcano rifle, serial No. C 2766, which was also found on the sixth floor. Three cartons had been placed at the window apparently to act as a gun rest and a fourth carton was placed behind those at the window. (See Commission Exhibit No. 1301.) A person seated on the fourth carton could assemble the rifle without being seen from the rest of the sixth floor because the cartons stacked around the south-east corner would shield him (See Commission Exhibit No. 723). The presence of the bag in this corner is cogent evidence that it was used as container for the rifle. . . .'

The Commission here is plainly conscious of the pitfalls inherent in its own story. For the statement that a person seated on the carton in the corner could assemble the rifle 'without being seen from the rest of the sixth floor' is evidently intended to suggest that Oswald could have been busy with his rifle even as Williams was still on the sixth floor. For the same reason, Williams, in the Warren Report, is placed 'in the area of the third or fourth window,' whereas the police originally stated that they had found the chicken remains and the pop bottle – then attributed to Oswald – close by the sniper's window.

For Oswald to start assembling his rifle in a hideout shielded by nothing more than rows of boxes anyone could peep through or around would have been nothing short of suicidal folly. Nor could Oswald have been unaware of the presence of Williams nearby, for the latter munched a chicken, drank from a bottle and eventually walked out of the room.

But if Oswald did not start assembling his rifle until after Bonnie Ray had left, then the time element throws the whole

story for a loop. For, in Chapter IV ('The Missing Rifle') we are informed that 'A firearms expert with the FBI assembled the rifle in 6 minutes using a 10-cent coin as a tool.' Although the Commission has credited Oswald throughout with abilities better than those of the experts where the rifle or marksmanship is concerned, this statement shows that Oswald, at best, could not have assembled his weapon in less than 6 minutes. This then, would leave a maximum of four minutes for moving those four cartons around as well as a number of other necessary operations, such as watching the elevator and stairway and peering out the window.

Another point of importance: since the original official version credited Oswald with firing his first shot at the President while his car was still on Houston Street, moving towards the TSBD Building, then swinging his rifle in a 180 degree arc and then firing his second and third shots as the motorcade moved away from the building, it is evident that this *could have been done*. And, indeed, it would have made much more sense for a lone assassin to open fire as the presidential car was slowly moving right into his sights than to wait until it had turned away and was picking up speed en route toward the Underpass. Conversely, it made all the sense in the world, for a sniper timing his shots to coincide with others fired by an accomplice stationed at, *or in the vicinity of* the Underpass, to let the motorcade pass and then attack it from the rear.

If the Commission ever inquired into this matter, it's one of their best-kept secrets.

Anyway, for Oswald to make up his mind whether it was better to make a frontal attack or shoot from the rear, must have required a little time, some estimating of angles and distances, perhaps even some aiming or other practical testing.

Now we come to the most amazing part of the official story. Not only Howard L. Brennan, the Commission's principal eyewitness, but others as well have testified that the sniper lurking on the sixth floor showed himself at the window a number of times. According to Chapter III ('Near the Depository'), 'while waiting about 7 minutes for the President to arrive, he (Brennan) observed the crowd on the street and the people at the windows of the Depository Building. He noticed a man at the southeast

corner window of the sixth floor, and observed him leave the window "a couple of times."

Two other eyewitnesses, Ronald Fisher and Robert Edwards – they are not quoted in the same context, but relegated to Chapter IV – also noticed that man in the window. Both were standing on the curb at the south-west corner of Elm and Houston Streets, facing the Depository as Brennan did. Says the Report:

'Fisher testified that about 10 or 15 seconds before the motorcade turned into Houston Street from Main Street, Edwards said, "Look at the guy there in the window."

'Fisher looked up and watched the man in the window for 10 or 15 seconds and then started watching the motorcade, which came into view on Houston Street. He said that the man held his attention until the motorcade came because the man:

'... appeared uncomfortable for one, and secondly, he wasn't watching ... he didn't look like he was watching the parade. He looked like he was *looking down toward the Trinity River and the Triple Underpass* down at the end – toward the end of Elm Street. And ... all the time I watched him, he never moved his head, he never – he never moved anything. Just was there transfixed.'

The Warren Commission apparently never pondered the deep significance of that testimony, the validity of which it did not question, though (besides, it was corroborated by Edwards). That man in the window staring towards the Trinity River and the Triple Underpass, as though transfixed, evidently was observing the activities of an accomplice somewhere in the area, and possibly waiting for a signal from him. At least half a dozen witnesses cited in the Report ('At the Triple Underpass') – and many more the Commission did not take the trouble to hear – have testified that they heard shots coming from a grassy knoll area encompassed roughly by the rear of the TSBD Building, Elm Street, the Underpass and the Trinity River.

And then there is the testimony of Rowlands, 18-year-old Arnold, who, the Report states in Chapter VI ('Accomplices, etc.') 'testified in great detail,' and his wife Barbara. The young couple were standing on the east side of Houston Street between Main and Elm, 'when he (Arnold Rowland) looked toward the

Depository Building and noticed a man *holding a rifle* standing back from the southwest corner window and the sixth floor. . . . Rowland said that his wife was looking elsewhere at the time and when they looked back to the window the man "was gone from our vision." They thought the man was most likely someone protecting the President. . . .

Arnold Rowland, whose testimony could not be but distasteful to the Commission, got himself into trouble. The Report goes on:

'When Rowland testified before the Commission on March 10, 1964, he claimed for the first time to have seen another person on the sixth floor. Rowland said that before he had noticed the man with the rifle in the southwest corner of the sixth floor he had seen an elderly Negro man "hanging out that window" on the southeast corner of the sixth floor. . . . Rowland claimed that he looked back two or three times and noticed that the man remained until 5 or 6 minutes prior to the time the motorcade came. Rowland did not see him thereafter. He made no mention of the Negro man in his affidavit [signed after the assassination, apparently for the Dallas police or the FBI—J. J.] And, while he said he told FBI agents about the man in the southeast corner window when interviewed on the Saturday and Sunday following the assassination, *no such statement appears in any FBI report.*'

The Commission apparently takes it for granted that if a statement does not appear in an FBI report, then it was not made. In view of the FBI's well-documented record of intimidating and hectoring witnesses in the Oswald case and of suppressing evidence, this attitude can at best be qualified as somewhat naïve.

In the next paragraph, the Report berates Arnold Rowland for allegedly having made false statements to the FBI, which conducted a 'broad range' inquiry into the background and statements of the young man, even on subjects totally unrelated to the assassination. The Commission also quotes Mrs. Rowland as saying that 'at times my husband is prone to exaggerate.'

After this verbal spanking, however, the Report concedes that there *is* possible corroboration for Arnold's statement—and the corroboration has weight! For, it comes from a police officer, Roger D. Craig, a deputy sheriff of Dallas County, who

testified that about 10 minutes after the assassination he talked to the Rowlands. The Report quotes him as saying:

' . . . and the boy said he saw two men on the sixth floor of the Book Depository Building over there; one of them had a rifle with a *telescopic sight on it*—but he thought they were Secret Service agents or guards and didn't report it. This was about—oh, he said, 15 minutes before the motorcade ever arrived.'

Note how precise and accurate the young man's recollection was: the rifle had a telescopic sight on it. (The rifle was not found until 1:22 p.m., about forty minutes after Rowland talked to Craig.)

'According to Craig,' the Report further states, 'Rowland said that he looked back a few minutes later and "the man was gone, and there was just one man—the man with the rifle." Craig further testified that Rowland told him that when he first saw the two men, *they were walking back and forth in front of the window for several minutes.* They were both white men and one of them had a rifle with a scope on it.'

This the Warren Commission didn't like one bit, for it would prove at least that Oswald was not a *lone* assassin, at most that he was not the man in the window and therefore no assassin at all. Therefore, true to form, the Commission goes after Craig's scalp: 'This report by Craig is contradicted by the testimony of both the Rowlands, and by every recorded interview with them conducted by enforcement agencies after the assassination.'

Where is the contradiction? It is limited to the fact that, according to Craig, Rowland had said both men were white whereas he himself claims to have told the FBI (which didn't put it in the record) and again told the Commission, that the second was a Negro.

From the sequence of statements made it is clear that Rowland, who like all non-cooperative witnesses was subjected to intense police pressure, changed his story a number of times before he went to Washington. His first testimony, made to Deputy Sheriff Craig on the spur of the moment and with all the details of the horrible tragedy still etched fresh in his mind, would seem to be by far the most trustworthy. Nevertheless the Commission categorically 'rejects' Rowland's story—a convenient way out of a bad predicament.

It is easy to see why the Commission had to reject Rowland's testimony and, in the process, also to discredit the sworn statement of a police officer: Rowland's story is wholly incompatible with the official version which never changed, in the ten months of investigation, except in so far as the course of the bullets is concerned.

If the Commission really had been aiming at the truth, it should have clocked Oswald's supposed movements on the sixth floor, stop-watch in hand, *before* as well as after the shooting. That the panel did not do so, is eloquent, if silent, proof that they were afraid what the result of such a test might be.

That Oswald could not, in the short-span of ten minutes (at most!) have assembled his rifle; moved all those cartons to build his sniper's nest; shown himself at the window several times; stared out towards the Underpass and the Trinity River; pondered the two alternatives of either shooting at the President as he came toward the building or as he moved away from it; loaded his rifle, adjusted the sight, and taken aim.

Nor could Oswald, right after lugging around heavy boxes, have had the quiet nerve and steady hand for what is supposed to have been the championship marksman's feat of this century.

Breakthrough to the Truth

EASILY the most important new element to come out about the assassination, since the Warren Commission wound up its sham investigation, is related in the following dispatch by the Associated Press of February 3, 1967:

'ASSASSINATION "PLAN" TAPED BEFORE KENNEDY SLAYING

'MIAMI, Feb. 3 (AP).—Two weeks before President Kennedy was assassinated in Dallas, a man described to a police informer here how it could be done. Dallas was not mentioned in the conversation.

'He said a high-powered rifle could be disassembled, taken into an office building, reassembled, then used for murder.

'Afterward, he said, the police "would leave no stone unturned" trying to find the killer. "They will pick up somebody within hours afterward . . . just to throw the public off," he said.'

That sounds familiar, doesn't it? The high-powered rifle, taken disassembled into an office building where it is reassembled by the sniper just before the shooting. 'Somebody' being picked up within hours. 'just to throw the public off.'

But all this, mind you, is not an account of what has happened. Rather, it is a forecast of what is going to happen, made two weeks before the event. Read on:

'The three-year-old recording of a conversation between two men does not mention assassin Lee Harvey Oswald or the city of Dallas.

'The conversation, which took place on Nov. 9, 1963, was taped and is now in the files of the Miami Police Department. Its existence was revealed yesterday in a story in the *Miami News*. Police then played the tape for reporters.'

We are dealing, then, with official, authentic, authoritative information. No 'speculation' or rumours here. This is the police speaking.

'Police would not identify the informer or the man describing

the possibilities, who spoke dispassionately in a soft, level accent about bombings in Alabama and Georgia and attempts to kill the President.'

In this paragraph, the background of the assassination is illuminated flashlike—part of it, anyway. Somebody in the know, but unaware that he is talking to a police informer, and that his statements are being recorded secretly, establishes a direct link between 'bombings in Alabama and Georgia' and 'attempts to kill the President.' Everyone knows who was responsible for the terror bombings in the south which preceded the assassination: the Ku-Klux-Klan, the white supremacists, the racists, etc.

'The man who described the assassination possibilities did name one person called "Brown," he said was trying to kill President Kennedy. He said Brown "is just as likely to get him as anybody. . . . He tried to get Martin Luther King . . . he followed him for miles and miles, and couldn't get close enough to him.'

The potential assassin was described as a hard-core underground agent with a taste for terror bombing.

Again, it is perfectly clear that 'Brown' cannot be identical with Oswald, or even belong to the same group of people. The Communists—and, remember, the Warren Commission would have us believe that Oswald was a genuine one—never tried to 'get' Martin Luther King. They have always looked upon the Negroes as their natural allies. And there is absolutely no record of any Communist-inspired terror bombing that occurred in the United States in recent years. This 'underground' is the radical Right.

"The newspaper story, written by Bill Barry, said the man who described a possible assassination on the tape was picked up by the Federal Bureau of Investigation five days after President Kennedy was slain in Dallas and questioned.

'The Secret Service and the FBI in Miami would not comment.

'Mr. Barry said the informer had told that, as he attended meetings throughout the country, he had heard repeated talk about an assassination attempt.

'Because of this talk and because President Kennedy was due in Miami Nov. 18, police asked the informer to lure this man to Miami so his conversation could be recorded, Mr. Barry said.

'This conversation was on the tape:

'Informer: "I think Kennedy is coming on the 18th, or something like that, to make some kind of speech. . . . He will have a thousand bodyguards."

'Man: "The more bodyguards he has, the easier is it to get him."

'Informer: "Well, how in the hell do you figure would be the best way to get him?"

'Man: "From an office building with a high-powered rifle."

'Later the man said: . . . "take it (the rifle) up there un-assembled and assemble it and . . ."

'At one point he said: "Kennedy knows he is a marked man—sure he does, sure he does."

'President Kennedy did come to Miami Nov. 18. Police said they dissuaded him from driving in a motorcade through downtown Miami. Instead, he took a helicopter.

'Police would give no other indication of what credence they put in the conversation. They said its contents on the tape had been turned over to the Secret Service before President Kennedy was killed.

'They brought the conversation to the attention of the Secret Service again after the assassination.'

On top of everything else, this.

Four days before he was assassinated in Dallas, President Kennedy was prevailed upon, by the Miami Police, *not* to drive in a motorcade through the downtown area. Because they not only knew that there were plans afoot to kill the President, but also had learned *how* this was going to be done: by shooting at him with a high-powered rifle from an office building into which the weapon had been surreptitiously introduced in disassembled state.

And the Miami Police had duly informed the Secret Service which, on the very same day Kennedy was not allowed—by the Miami cops—to run the risks of a motorcade through town, (a) decided to let him take the far greater risk of a motorcade through hostile Dallas; (b) approved a route which included a car-slowng double detour beneath the windows of a towering, fortress-like office building.

This done, and with the warning from Miami still in their pockets, the Secret Service (c) neglected to inspect that poten-

tial ambush building (chosen with care), in gross violation of regulations; (d) failed to have it watched during the parade; (e) allowed the president to ride in an open car; (f) approved his (alleged) wish to ride in that car through a hostile city without even the elementary protection of bodyguards posted on the running-boards; and (g) managed to look at the clock atop the Depository – according to the Warren Report, ‘Agent Rufus W. Youngblood of the Secret Service noticed that the clock atop the building indicated 12:30 p.m.’ – without seeing the assassin or assassins posted at the open window a few feet below, rifle at the ready.

Had enough, dear reader?

And so we come to the end of an ugly story.

A story replete with treachery and trickery; a story of dismal intrigue, collusion and prevarication; a story of frame-up and cover-up worthy of a B-grade movie, yet actually enacted on the American political scene, at a high level. A story of false pretences and travesty of justice.

The evidence of organized fraud is overwhelming. No subterfuge and no weasel words can gloss over this shocking realization.

The Warren Commission did not err. It cheated the American people. It deliberately suppressed material evidence of the highest importance; it deliberately ignored the testimony of scores of eyewitnesses; it accepted testimony false on its face and discarded testimony that bore the hallmark of truth. It connived at all the outrages committed against truth and justice by the Dallas Police, the Secret Service and the FBI. It added quite a few of its own.

And all this was done for the purpose of convicting a dead and innocent man. It was done by a presidential commission headed by the Chief Justice of the United States. That’s really something.

There was a vast conspiracy to kill the President. There still is an even vaster conspiracy to suppress the true facts. Some may plead the reason of State in helping to perpetuate the Kennedy Murder Fraud. Others have more personal and cogent reasons.

Some are merely trying to save their faces. Others are trying to save their necks.

Epilogue

[Just as this book was about to go to press Mr. Joesten came to London for a press conference at which he gave a talk relating the findings of his own investigations to those of Mr. James Garrison, the District Attorney of New Orleans. The text of his talk is printed below. In it Mr. Joesten predicts the facts that Mr. Garrison will unearth although he does not believe that they will see the light of day until the last two or three months of 1967. The publishers of this book, who wholly support Mr. Joesten in his conclusions, are convinced that time and Mr. Garrison will vindicate him. The press conference was held on April 7, 1967.]

I am not going to talk to you about my books although I may have to refer occasionally to them. On the contrary, I am going to tell you what is not in my books. There has been a lot of talk about the mystery of Dallas, but there is no mystery and there never has been. I think I can give you the overall picture of what really happened. What I am going to tell you today is the story that District Attorney James Garrison will tell the world in a few months’ time, although I may possibly be wrong over a few minor details.

To arrive at any understanding of the assassination, there are a few basic elements that have to be kept in mind. The first is that, as Garrison has himself said, there were several plots to kill Kennedy. This has been treated as a joke in many parts of the press and many people think that if a District Attorney can say a thing like that, he cannot be taken seriously. But there were in fact at least three different plots which criss-crossed and dovetailed and overlapped and which in the end merged into the tragedy of Dallas.

The first of these three was the Mafia plot. The Chicago overlords of the Mafia wished to rub out Governor Connally. They wanted to be rid of him because he is a strict conservative and does not tolerate the spread of vice, gambling and drinking which was what they wanted. To use their own language, they wished to open up Dallas. It was one of the few places left to them because the authorities had clamped down in Chicago; and Cuba, once a paradise for gamblers, dope smugglers and vice lords had also been closed down. The Mafia overlords gave Ruby his marching orders, he was to eliminate Governor Connally and for this purpose he hired a former army marksman called Larry Crafard and gave him precise instructions as to how Connally was to be shot during a political parade. In these instructions (the text of them can be found in *Oswald: The Truth* and in my French-language book on Jack Ruby) there was specific mention of the Texas School Book Depository. Both the Dallas police and the Texas Department of Public Safety were informed of this conversation between Ruby and his henchman, Larry Crafard, who later worked for him at the Carousel. The information came from a Dallas lawyer called Carrol Jarnigan on October 4, 1963. Thus the Dallas police knew six weeks before the attempt on the President's life, that there was a plan afoot backed by Chicago gangsters to murder the Governor of the State during a parade. And that parade was already being planned, although the details had not finally been settled. The plan was to shoot him from the Texas School Book Depository and this was known at a time when Lee Harvey Oswald had never heard of the Texas School Book Depository. It was only much later that a friend of his, a so-called friend, put him up to the idea of working there. So much for the Ruby plot.

The second plot was hatched by anti-Castro Cubans. It is not much of a secret in America and it is no secret to Mr. Garrison that the anti-Castro Cubans in Miami and New Orleans are paid and stage managed by the Central Intelligence Agency, the CIA. It is this plot with which the investigations in New Orleans are concerned. Garrison appears to have an almost complete list of the Cubans involved in this plot together with their helpers and manipulators. In my opinion the second or Cuban plot never reached any stage of maturity. The original plan was to

shoot Kennedy in Miami, but the Miami police got wind of it and this explains the extraordinary story (which has not attracted the attention it deserved) about the tape recording released by them. The Associated Press put out a long dispatch about it which appeared about two weeks before the news of Mr. Garrison's new enquiries broke. One or two aspects of that dispatch are enormously important. The Miami police were tipped off by an informer who was in touch with these Cubans and some members of the Ku Klux Klan also involved in the plot. One of the key figures in the plot was induced to talk to the informer and the conversation was taped. One of the things that the plotter actually told him was that 'a high-powered rifle could be disassembled, taken into a high office building, reassembled and then used for murder. The police will pick up somebody within hours afterwards just to throw the public off.' That is a quotation from the actual text of the A.P. dispatch concerning this tape recording made on November 9, 1963, by the Miami police and revealed on February 3, 1967. Thus, two weeks before President Kennedy was murdered in Dallas, the Miami police had the actual blue-print of how it would be done, and the same Associated Press dispatch states that they turned the information over to the Secret Service. So much for the Cuban plot.

And then there was *the* plot. *The* plot was hatched by the CIA and Garrison knows it.* The CIA took over both the Cuban and the Ruby plots and this explains District Attorney Garrison's recent statement that the plot was not originally directed against President Kennedy. "It was like a rocket which got out of control and hit the wrong target." That is how, at any rate, it looked to Ruby because nobody was more surprised than Jack Ruby when President Kennedy was murdered. It was no part of his plan. His hired killer had orders to shoot only at Connally. He had even reassured Ruby (during the conversation which is recorded verbatim in *Oswald: The Truth* and in

* In an interview in the BBC-TV programme *Panorama* on April 17, 1967, Garrison spoke of a government agency whose files contained information that would clarify the facts. 'No Government ever existed in the history of the world which was worth concealing the truth for,' he said. When told that this agency sounded like the CIA, he replied with a smile. 'It almost sounds like that, doesn't it? No comment.'

my French-language volume) who was worried, naturally, because there would be four people in the car, two of whom were women. "Are you sure you can do the job without hitting anybody but the Governor?" Ruby had said. "I'm sure," he replied. "I am a Marine sharpshooter and I have got my equipment ready." And when Ruby learnt on November 22 that it was Kennedy who had been killed and that the man he wanted to kill, Connally, was only hurt, it was a catastrophic blow. That's why he dropped that very revealing remark to a friend. "John," he said, "I have to get out of Dallas." His plot had misfired.

Another basic element of the whole thing is the fact that there was a false Oswald. That is to say, there was a double, a young man who looked amazingly like Lee Harvey Oswald, of the same height, the same age approximately and the same figure: everything, in fact, except that he was a little fuller in his face. That man was Larry Crafard.

Now I'm not the only one who has told the story of the false Oswald. Several others have investigated this thing thoroughly and one of the best is Harold Weisberg, the author of *Whitewash*. Weisberg arrived at identical conclusions without having any connection with me at the time. Professor Popkin who wrote *The Second Oswald* also arrived at the same conclusion: that there was a false Oswald whom he calls the 'second' Oswald. Professor Popkin, however, believes that the 'second' Oswald and the real Oswald worked hand in hand whereas I say that the false Oswald was an enemy of the real Oswald. He deliberately placed a lot of incriminating clues against Lee Harvey Oswald weeks before the assassination. I can claim that I was the first to call attention to him because I published a long feature entitled 'The False Oswald' containing all this information from the Warren Report (because all the facts are in the Warren Report) in the Swiss weekly *Die Weltwoche* on November 20, 1964. This is the first mention of the false Oswald anywhere. The date was shortly after my book *Oswald: Assassin or Fall Guy?* had been published; the story of the false Oswald was not in that book.

The existence of a false Oswald is now completely established and has been re-established by District Attorney Garrison. The London *Times* in its first complete dispatch about the

new enquiry in New Orleans stated 'our Washington correspondent writes: The District Attorney's office in New Orleans is understood to be pursuing a line of enquiry related to the theory of a "false Oswald".' Needless to say when I first mentioned and documented the existence of a false Oswald, that was also treated as a joke. It is not a joke any longer. But there does exist the almost fantastic possibility that there were three Oswalds. Two false ones. Now, grotesque as that may seem, you will be surprised to find in the Warren report a passage that reads 'several persons have at one time or another been mistaken for Lee Harvey Oswald'. 'Several persons' says the Warren Report. Now if they were mistaken for Lee Harvey Oswald then they must have looked extremely like him.

I am saying that the possibility of two false Oswalds exists because the enquiry of District Attorney Garrison has brought out that the man who was with David Ferrie in New Orleans and who called himself Leon Oswald was definitely not Lee Harvey Oswald. He was a double. However, on the information in the Hearings of the Warren Commission and from what has transpired about Jim Garrison's enquiries it seems that the man who called himself Leon Oswald was somebody whose real name is William Seymour. The big question now, which I can't solve, but which Garrison certainly has solved is: 'Is William Seymour identical with Larry Crafard?' If he is identical then there was only one false Oswald, but if William Seymour is not identical, then there were actually two false Oswalds.

Garrison, so far, has only lifted a tiny veil from the material he has uncovered. That Larry Crafard was the false Oswald is my statement. It is fully documented, in *Oswald: The Truth*, from the Warren Report and the FBI reports about Larry Crafard that are in the twenty-six volumes of the *Hearings*.

Crafard is mentioned in the Warren Report extensively but the Warren Report of course does not point any finger at him. Quite the contrary. The interesting thing is that Larry Crafard was employed by Ruby at the Carousel at the time of the assassination and for several weeks before. He was the person that was seen by many witnesses at the Carousel (at least ten people testified that they had seen Lee Harvey Oswald at the Carousel Club) and the Warren Commission has established, and in this they are completely right, that Lee Harvey Oswald

never set foot in the Carousel Club. The Warren Report also specifically states the fact that Lee Harvey Oswald and Larry Crafard were so much alike in appearance that two witnesses, including a dealer in electronic supplies (all this is in the Warren Report) mistook one for the other and they quote Mrs. Ruth Payne as saying that the similarity is indeed astonishing.

Let me go back to the man who called himself Leon Oswald. He has played a large part in the Garrison enquiry as you have all read. Garrison has accused Clay Shaw of conspiring with David Ferrie and a man named Leon Oswald to kill President Kennedy. Present at this conversation was Perry Russo who has now testified for Garrison at the Grand Jury investigation. Three judges in New Orleans have unanimously ruled that Russo is a reliable witness, that Garrison has convincingly presented his case and that Clay Shaw accordingly must stand trial. Now I really don't understand how anybody in these circumstances can still say that what is going on in New Orleans is just a joke, because the implication of such a statement would be that these are three crooked judges who just to please the District Attorney, force an innocent man to stand trial for the most heinous crime that one can imagine.

I was going to talk about Leon Oswald. Perry Russo, Garrison's star witness, said at the Hearing before Judge Bernard Bagert that Clay Shaw, David Ferrie and this man who called himself Leon Oswald conspired. Perry Russo was shown pictures of Lee Harvey Oswald and he said, I quote (I don't know whether it got into the British press or not but a reliable German correspondent reported it): 'That man you are showing me isn't Lee Harvey Oswald, that is Ferrie's room mate', because Russo had never known Lee Harvey Oswald, but he did know Ferrie's room mate. The man he had seen at Ferrie's place, the so-called Leon Oswald, had a fuller face than the well-known face of Lee Harvey Oswald. Perry Russo was shown pictures of the genuine Lee Harvey Oswald, and the investigator said 'This is Oswald, do you recognise him?' He replied, 'No, that is not Oswald, that is Ferrie's room mate,' because Perry Russo had actually never seen the real genuine Lee Harvey Oswald as he had himself said previously in a press interview. This was quoted by one of the lawyers of Clay Shaw as evidence that the man was contradicting himself: first he said he

had never met Lee Harvey Oswald and then he declared under oath that Oswald and Ferrie and Shaw conspired. There is an obvious contradiction here, but this contradiction exists only if we take it for granted that the same person was involved and, unfortunately, most of the press dispatches from New Orleans were so garbled that the reader could not understand them. The witness had insisted 'The person I knew and who called himself Leon Oswald, was not the same person as Lee Harvey Oswald,' and to make the point even more strongly he had said that the person he had known in New Orleans had had a fuller face and had always worn a beard. (It wasn't much of a beard, it was more of a three-day growth, but it did slightly alter the facial appearance.) When the investigator, using a picture of the real Lee Harvey Oswald, painted a three-day beard on the face, Russo then agreed that it was Leon Oswald. All this has been treated as a joke in the press: the investigator paints in a beard then Russo suddenly recognises a man he previously said he didn't know. People simply don't want to see what is self-evident, what Garrison knows and what I have documented in my books, and what Weisberg has documented, that there was a false Oswald who posed as Lee Harvey Oswald, and who in the early stages of the conspiracy in September wore a beard.

Now we must bear some dates in mind. According to Russo, he saw this so-called Leon Oswald twice, once towards the end of September 1963 and once in the early days of October 1963, and it was on the basis of this testimony that the Grand Jury has indicted Clay Shaw of having conspired to take the life of President Kennedy in a period between September 10 and 15. I don't remember which, and October 10. Now it was on September 13, 1963, that it became known for the first time that President Kennedy would come to Dallas and that there would be a parade. It was quite obviously this information, first published in the *Dallas Times-Herald* on September 13, which set in motion the conspiratorial meetings in New Orleans at which Ferrie played a leading part.

Immediately after Ferrie died, Garrison, as you may remember, said 'there goes one of the most important figures in history' and that was also treated as a joke. Ferrie was a vagabond, a defrocked monk, a homosexual, from the dregs of the

New Orleans underworld, and the fact that the District Attorney should call such an individual one of the most important figures in history did sound a bit odd, I must admit. But it was no joke. Ferrie was an extraordinary person, he was absolutely brilliant and it was he who conceived and master-minded the set-up on Dealey Plaza. Ferrie had known the real Lee Harvey Oswald as a boy. Ferrie was a CIA agent, one of the best they have ever had, and he operated a civil air patrol in New Orleans. The purpose of this organization was to enlist young men, a perfectly respectable purpose, as recruits for civil service protection and for possible later recruitment into the air force. Ferrie was a captain in this organization in 1955. At that time Lee Harvey Oswald was a young boy of 14 years attending Beauregard High School in New Orleans, and he enlisted in the Civil Air Patrol. Now Ferrie was not only a captain, an excellent flyer, he was also a hardened homosexual and he seduced this boy. In this way the real Oswald also became a homosexual and also became sort of attached to Ferrie. Later on, years later, Ferrie ran across an individual who looked surprisingly like Lee Harvey Oswald and when the plot to kill President Kennedy originated with the CIA, Ferrie remembered there were two people who looked amazingly alike, one of them an excellent marksman. This, I say, was Larry Crafard.

It doesn't really matter whether he was the false Oswald or not. Ferrie knew him well and as they had to have a cover, they naturally chose the most convenient one for a plot of this type, the red herring. All you have to say is that the man who did it was a communist and that's enough. You don't have to prove anything except that and that's actually the way it happened in Dallas. It is in my book and its on the record, but nobody has paid any attention to it. Assistant District Attorney Alexander in Dallas (the right-hand man of Henry Wade) when asked by a reporter: 'Are you quite sure that Lee Harvey Oswald is the assassin, has he confessed?' replied (textually): 'No he hasn't confessed yet, but he *has* confessed to being a Communist.'

That was enough, that established the case and it wasn't even true because Lee Harvey Oswald had never confessed to being a Communist, although he had posed as one for years.

He was a stoolpigeon, an undercover agent, and he had posed so successfully as a communist that it was the easiest thing in the world for the Dallas police and the office of the District Attorney to document that this man was a communist, and not only that, but that he was a Castro agent as well. All they had to say was, look at this man, he goes to Russia, he spends three years in the Soviet Union, he has a Russian wife, he comes back to this country, and the first thing he does is to hand out pro-Castro leaflets in the street, create a Fair Play Committee for Cuba and so on. He then goes to Mexico and tries to get a visa for Cuba. What more do you want? Doesn't that completely document that he is a communist? In the eyes of the world it did. But it was all a fake, a cover-up. Oswald was the ideal fall-guy because of his record. In court, maybe in court, he would have said, "This was just a game, I wasn't a real Communist. I just posed as one." But Lee Harvey Oswald never lived to have his day in court.*

Ferrie, then, knew both the real Lee Harvey Oswald and the man who called himself Leon Oswald and who on many occasions before the assassination deliberately planted clues leading in the direction of the real Oswald. All that is described in great detail in *Oswald: The Truth* and in my German-language book and it is documented from the Warren Report. I can only briefly tell you about a few of these occasions. For instance, a few Sundays before the assassination a man who was subsequently identified by a dozen witnesses (the Warren Report itself says so) as being without any question of doubt Lee Harvey Oswald, goes to a rifle range in Dallas and shoots at targets and shows that he is an extraordinary marksman. He shot at three different targets at the same time. The whole story is in the Report or at least in the Hearings and of course it is in my book. A man shows in the most ostentatious manner that he is a first-class marksman and is identified by twelve witnesses as Lee Harvey Oswald and the Warren Report itself says that he was not Oswald. What more do you want?

On another occasion, a man goes into a store and says he wants to buy a part for a rifle and gives his name as Oswald.

* In the same TV programme referred to above, Garrison also stated that Oswald was not a communist and was not pro-Castro. He said that the Fair Play for Cuba Committee was merely a cover.

He has a wife who looks like Marina and a little daughter who looks exactly like the real Oswald's and the Warren Report again says it wasn't Oswald. And there is a third incident, that of the automobile demonstration. Again the salesman notes on a clip of paper the customer's name: Lee Oswald, interested in buying a car and so on. You will find the details in the Warren Report and in my book. There are at least four well-known documented incidents involving a person who either called himself Lee Oswald or who was identified by many witnesses as being Lee Oswald and who according to the Warren Commission was not Oswald.

You would think that the Warren Commission would at least exhibit a little curiosity over this remarkable coincidence. But no, the Warren Commission did not exhibit the slightest interest in the matter, it dismissed all these tell-tale incidents as 'Investigation of other activities.' And it makes such dreary reading in the Warren Report that most people who read the Report skip those chapters. They are not interested in the 'Investigation of other activities' and so it was intended. It was intended to be overlooked but it cannot be overlooked and Garrison for one did not overlook it.

To return to Leon Oswald. Perry Russo is not the only person who knew a Leon Oswald who was not Lee Harvey Oswald. Long before that there was another witness, the Cuban woman, Sylvia Odio, and her story is also in the Warren Report. About the same time that the conspiratorial meetings were held in New Orleans between Clay Shaw, David Ferrie and a man who called himself Leon Oswald, Sylvia Odio has testified, three men came to her apartment in Dallas to enlist her help in anti-Castro activities. One of these three visitors later said to her that the American in this group, who spoke very little Spanish and whose name was Leon Oswald, had said, and I quote from the Warren Report, 'Those Cubans didn't have any guts, after the Bay of Pigs, President Kennedy should have been assassinated.' That was supposed to be a statement made by Leon Oswald and that is in the Warren Report. Mrs. Odio's statement, which was not even questioned by the Warren Commission, has now been fully corroborated by Perry Russo's statement in New Orleans. Two witnesses have testified about a man calling himself Leon Oswald but who was not Lee Harvey Oswald.

The Commission itself has established that Lee Harvey Oswald was on his way to Mexico at the time these three people came to see Mrs. Odio and he therefore cannot have been Leon Oswald. The fantastic thing about it is that the Warren Commission had all these facts, but it just dismissed them. Coincidence! Nothing to worry about, a case of mistaken identity. That was the attitude of the Warren Commission, but it wasn't, fortunately, the attitude of Jim Garrison.

Now we come to the assassination: there were four people involved in the actual assassination, two of them posted behind the fence on the grassy knoll. There was a sort of parking area and a fence dividing it from the grassy knoll and at least fifty witnesses before the Warren Commission have testified that shots came from that area. The Warren Commission which did not want to believe that there was a conspiracy simply ignored them. Garrison has positively stated a few days ago, although I don't think it has appeared in any of the English papers (it was reported in the German press): 'There was a sniper behind that fence and I know his identity. He fired the first shot at President Kennedy.' But there were two men there; the rail-road tower watchman, Lee Bowers Junior, has testified before the Commission that at precisely that spot he saw two men at the moment of the assassination and he even saw something that he couldn't define exactly but which he later described as a sort of flash of light. He saw the actual explosion, the flash that came from the gun. Poor Bowers, a few months ago, had a fatal traffic accident. We know from Garrison that the first shot was fired from behind the fence and we know from Lee Bowers that there were two men there and not just one. Garrison doesn't dispute that, although I don't know whether he has also said there were two. But he has said that he knows the identity of the one who fired from behind that fence. The first shot came from there and hit Kennedy in the throat and that's why all the doctors at Parkland Hospital said the wound was in the throat.

The man in the window of the Texas School Book Depository who was supposed to have been Lee Harvey Oswald and who is supposed, to quote the latest edition of *Time*, 'to have squeezed off three deadly shots', that man was not Lee Harvey Oswald and he didn't fire a single shot or at any rate a single

bullet. He fired all right, and made an awful lot of noise in order to attract everybody's attention to that window. I am not a military expert but I know there is a way of producing more than the normal amount of noise. Plenty of noise came from the Book Depository but not a single bullet. I believe the man in the window was Officer Tippit, of the Dallas police force. The fourth marksman fired from the Dal-Tex Building which is just opposite the TSBD across Houston Street. There you get almost the same kind of firing line as the shots fired from the other building. And the man who fired from the Dal-Tex Building was, I believe, Larry Crafard and he didn't know, either, that Kennedy was being assassinated. He was just doing his job for which he had gotten \$5,000 from Ruby. He was shooting at Governor Connally.

Two days after the assassination, Garrison's office in New Orleans arrested David Ferrie and two friends of his, all of whom just happened to have returned from a trip from Texas. Ferrie, of course, said, 'Oh I was not in Dallas, we weren't in Dallas at all, we went to Houston, we were just shooting wild duck.' Garrison at that time must have had some very well grounded suspicions for arresting these three people because Oswald was already in custody, in fact he was already dead. But then the FBI told Garrison that it was their business and they had to be turned over to them for questioning. The next day all three of them were released and that was the end of the investigation of David Ferrie and his two friends. At the same time, Clay Shaw was extensively questioned by the FBI as has been officially stated by Attorney General Ramsay Clark. I don't know whether that means that Clay Shaw was also in custody, but he was questioned at length by the FBI a few days after the assassination and was also cleared by them. Let me note in passing that the questioning of David Ferrie by the FBI was so extensive that they drafted a forty-page report on him, which is now in the restricted area of the National Archives in Washington. Not even Jim Garrison, the District Attorney investigating the assassination, is allowed to see the FBI report of one of his chief suspects, who, as it happens, is dead.

We have, then, four people who were immediately connected with the assassination by the District Attorney of New Orleans and who were turned over to the FBI and who were cleared

and released. These very same people, or some of them, now figure prominently in Garrison's enquiry. One of them has even been indicted by a Grand Jury and three independent judges have unanimously declared that he must stand trial. Garrison had all this information three and a half years ago—but what did the FBI do with it? It tossed it in the ashcan. That's what I call a cover up. Now you will understand why, when Attorney General Clark publicly asked Garrison to turn over his new material to the Federal Government, Garrison declared 'No, I am running this show and I am going to keep it.' He knew what Ramsay Clark and the FBI would have done with his new material. At best they would have sent it to the restricted area of the National Archives.

But these were not the only ones who were picked up in connection with the assassination and immediately released. In my first book about the case called *Oswald: Assassin or Fall Guy?* which came out in June 1964, three months before the Warren Report, and which I know the Commission read very carefully,* I quoted from a dispatch that appeared in the *Dallas Times-Herald*, the Dallas afternoon paper, on the very afternoon that President Kennedy was assassinated, at 4 p.m. It said 'Patrolman W. E. Barker saw workers in the Texas School Book Depository pecking on a window from the third floor and pointing to a man who was wearing horn rimmed glasses, a plaid coat and rain coat. The officer immediately arrested the man for questioning and placed him in a room of witnesses in Sheriff Decker's office across the street from the Depository. With the young man protesting, the crowd all along the way jeered at him as he was escorted across the street. One woman said to the man "I hope you die" another screamed hysterically "Is that him, is that him?" An unidentified photographer shot a picture of the arrested man and then said bitterly "I hope you burn". Officers on the case would not explain what connection the man might have with the shooting, nor would they identify him.'

Quite a scene, and obviously it wasn't Oswald, it couldn't have been. Oswald was picked up in the Texas Theatre much later than that. So the police arrested a suspect under dramatic circumstances on the spot and the man was almost lynched by

* It is not mentioned in the Report, but it is referred to in the Hearings.

the mob. Would not something like that have been worth a little elucidation? Should not the Warren Commission at least have told us what became of this man, and have given us his name? Should it not have referred to the fact that there was nearly a terrible mistake, that someone who had nothing to do with it nearly got lynched? But the Warren Commission just doesn't mention it. It was just a little too hot.

There was another short dispatch, also in the *Dallas Times-Herald*, of December 8, 1963, about fourteen days later than the first. 'It was also learned Saturday that an early suspect in the assassination of President Kennedy was still in gaol, but no longer as a suspect in the killing. The man, a 30 year old man, who gave a Knight Street address, was arrested minutes after the assassination when officers swarmed rail road yards near the assassination. A man was reported seen in that area carrying a rifle.' I don't know whether these two men were the same, but probably not, because the one that almost got lynched apparently was picked up quite close to the Book Depository. In his latest book Harold Weisberg states that 'A man was arrested in the Dal-Tex building.' He was probably the one that almost got lynched. The other was picked up in the rail road yards some hundreds of yards in the opposite direction. So there were at least two persons other than Oswald, who were arrested at opposite ends of the scene of the assassination immediately after it happened and in one case the information in the newspaper is so precise—the man gave a Knight Street address and was 30 years old—that they could have found out from the Dallas police why this man was still in gaol two weeks later.

Two suspects in Dallas, four in New Orleans, six people arrested immediately after the assassination.

But there was also a seventh. The New York *Herald-Tribune* of September 29, 1964: 'Strawn, Texas. W. A. House laughed about it a little yesterday at his home here, but he failed to find anything funny about it last November 22nd when he was mistaken for the accused assassin of President Kennedy. The fact that Mr. House was arrested as a suspect in the assassination, questioned three hours and held in gaol an hour in Fort Worth has never been told before. Last November 22nd he visited Dallas, caught a glimpse of President Kennedy,

HOUSE
AGAIN

and then started back home. He did not know Mr. Kennedy had been assassinated until he turned his car radio on well out of Dallas, when he stopped at Grand Prairie for gasoline. A woman asked him whether he had heard what the killer looked like. He gave her the description on the radio without realising that it fitted him. The woman noted the similarity and telephoned the police. "What am I being arrested for?" Mr. House said. "You are being arrested for the assassination of President Kennedy," the police said. After three hours of denying that he was the assassin, he was put in a cell. Finally a policeman came to the cell door and said "They've caught another boy, he's Lee Harvey Oswald, they are pretty sure he did it."

Now, why is this story so significant? I am not saying that this man had anything to do with it, probably he didn't. He looked a little like the description of Oswald that went out over the radio, and was picked up. He couldn't prove his alibi immediately, so he was questioned for three hours and held in a cell. Nothing abnormal about that. What is extraordinary and highly significant is that he was released after the Dallas police had caught Lee Harvey Oswald because the Dallas police—and remember all this is within a few hours of the assassination—were satisfied with Lee Oswald and were no longer interested in any other suspects in Fort Worth or anywhere else. So 'Out you go my friend we don't need you any longer.' House was told.

At least seven people arrested within hours of the assassination as suspects. Why didn't the Warren Commission look into these seven cases and find out whether any of them had anything to do with the assassination? Like the Dallas police it was only concerned with covering up the truth. To pin it on Oswald was all that was required.

Considering the facts brought to light by the investigation of District Attorney Jim Garrison in New Orleans and other evidence available, and by other I mean these seven cases, it has become perfectly clear who is guilty, at a minimum, of having deliberately covered up for the assassination of President John F. Kennedy. This man has consistently shielded the real murderers of the President by every means at his disposal, in particular through the FBI and the Secret Service. He

is still shielding them. He has thus made himself, at the minimum, an accessory after the fact in the crime of the century. He should be impeached by Congress.

STOP PRESS

On April 25 the New Orleans *States-Item* published a story in which it said there was mounting evidence of Central Intelligence Agency links with Garrison's probe. 'At least one Garrison probe figure,' it said, 'intends to use CIA connections as part of his defence,' and it added that 'still others linked to the Garrison investigation have been named as acting for the super secret espionage organisation—as informers, as couriers and munitions carriers.'

According to this newspaper, Gordon Novel was named as having the strongest CIA ties. He had told intimates that 'he was a CIA operative and will use this role to battle Garrison's charges'. Novel was also quoted as referring to the burglary with which he is charged 'as the most patriotic burglary in history'. He described it as 'a war materials pick-up made at the direction of his CIA contact'. The same story also quoted Novel as saying that he had been working for the CIA in New Orleans. 'Part of his job,' he said, 'was to operate the Evergreen Advertising Agency as a front for CIA communications.'

The *Dayton Daily News* has also quoted Novel as saying: 'I think Garrison will expose some CIA operations in Louisiana.'

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